

JANUARY 1978/\$1.75

California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

The new Brown breed of Los Angeles politician



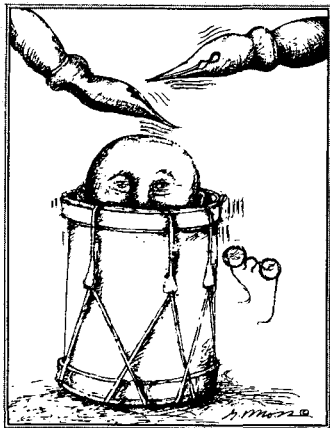
The Governor's Zen recruitment depot
Preview of the 1978 Legislature

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Personal

PERSPECTIVE

By **ED SALZMAN**



The typing trade

Watergate has turned out to be something less than a blessing to those of us who ply the typing trade. Bob Woodward and Carl Bernstein became American folk heroes overnight for overthrowing the villainous King Richard. Now, it seems that every youngster wants to be the one who uncovers the next scandal in high places. The result is that journalism schools in California and throughout the country contain more students than there are working journalists. Most of these young people are going to feel somewhat bitter about our craft when perhaps only one in 50 of them will get an opportunity to write obituaries, let alone cover the movers and shakers.

Even worse, an indictment syndrome has afflicted many of us who have managed to sneak our way onto a publisher's payroll. Since Watergate, the emphasis has been on "investigative reporting" — as though reporting had been something else before the *Washington Post* let the light shine in the White House. Too many newspaper people today see themselves as vigilantes, empowered with responsibility usually assigned in our society to law-enforcement agencies. Reporters should be skeptical, even cynical, but they should report what they find, not find what they want to report.

The indictment syndrome at times leads newspapers and magazines into printing and overplaying stories produced by reporters assigned full time to the uncovering of skullduggery — even if there isn't anything resembling a "smoking gun." These stories are played boldly because editors and publishers think this is what readers have come to expect after Watergate. Also, we often yield to the temptation to justify the investment in a project by printing something, whether it is worthy or not.

Far too many reporters have anointed themselves as members of an elite class, immune from the laws of the land and the ethical standards of society. There is a strong feeling among many journalists that there is nothing wrong with the commission of a burglary or the perpetration of fraud — if the end result is a good exposé. This Machiavellian theory has been employed by presidents, the FBI and the CIA to justify excesses for which they have been properly excoriated in the press.

These are not easy times for reporters. Despite the uplift of Watergate, the public still holds the media in relatively low esteem. Our craft is caught between two forces — those who delight in reading articles that make public officials squirm and those who still blame the press for an unwarranted indictment of an innocent Richard Nixon (or a Bert Lance).

What should be done? Tom Wicker of the *New York Times* offers these suggestions: "The best thing we can do is to attract better people into our craft, and to think more seriously about what we are doing. We should concern ourselves more and more with these grave issues of ethics. I think the highest function of the press is 'dispassionate disclosure,' and I don't think we ought to move away from that." We also should remember that there has been only one "investigative" story of Watergate magnitude in the country's 200-year history, and most of us are going to have to get our kicks out of much more mundane subjects than the toppling of a king.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

Volume IX, Number 1

January 1978

PRESIDENT AND PUBLISHER

Thomas R. Hoeber

EDITOR

Ed Salzman

ART DIRECTOR

Jan Castle

ASSOCIATE EDITOR

Alice Nauman

WASHINGTON CORRESPONDENT:

Leo Rennert

CONTRIBUTING ARTISTS: Ric Hügo,

Donna Rivers, Lee Judge

CIRCULATION MANAGER:

Barbara Aguirre

STAFF: Hope Tuttle, Dorie Runyon,

Caroline Landry

CALIFORNIA JOURNAL is a non-ideological analysis of California government and politics published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation. Publication is assisted by grants from the Columbia Foundation, Ford Foundation, Levi Strauss Foundation, Natomas Company, Stella B. Gross Charitable Trust, and Wright Charitable Trust.

BOARD OF DIRECTORS

EUGENE C. LEE, Chairman, director of the Institute of Governmental Studies, Berkeley.

MANUEL ARAGON JR., president, Mariscal and Co., Los Angeles.

JUDSON CLARK, California Research, Sacramento.

DORMAN L. COMMONS, president, Natomas Company, San Francisco.

HOUSTON I. FLOURNOY, dean, Center for Public Affairs, University of Southern California, Los Angeles.

MAYOR JANET GRAY HAYES, San Jose.

THOMAS R. HOEBER, publisher, *California Journal*, Sacramento.

BERNARD HYINK, professor of political science, Fullerton.

ROSELLEN KERSHAW, past president, California Division, American Association of University Women, Fresno.

DONALD G. LIVINGSTON, secretary and director of public affairs, Carter Hawley Hale Stores, Inc., Los Angeles.

EDWIN MEESE III, attorney, La Mesa.

MARCEL B. POCHE, Superior Court Judge, Santa Clara County.

MADELEINE H. RUSSELL, former Democratic national committeewoman, San Francisco.

VAINO SPENCER, Superior Court Judge, Los Angeles.

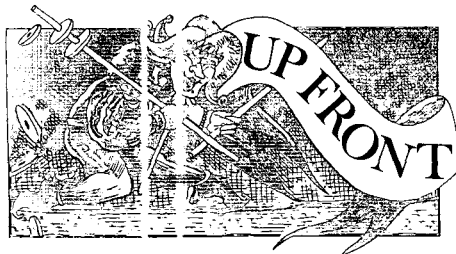
BRUCE SUMNER, Judicial Council of California;

Superior Court Judge, Orange County.

COUNSEL: Conrad Lee Klein.

Subscription rates: Libraries and Governmental Agencies, \$30; Corporations and Associations, \$50; Special Individual Rate, \$18.

Copyright 1977 by California Center for Research and Education in Government, 1617 10th Street, Sacramento, California 95814. Telephone: (916) 444-2840. Second-class postage paid at Sacramento.



Attorney General Evelle Younger's annual December luncheon for the Capitol press corps turned out to be a public-relations disaster for the leading candidate for the Republican gubernatorial nomination. Younger angered many of the 30-odd reporters at the affair by asking each of them to rise and tell about themselves, including their hobbies. Many of the correspondents found clever ways to show their hostility (Gale Cook of the *San Francisco Examiner* recited his Social Security number and then sat down). Then came the reporters' turn to quiz Younger, and they raked him over the coals on a prior statement that he was broke and couldn't afford to live on \$42,000 a year. Younger claims he was only fooling, but George Skelton of the *Los Angeles Times* offered to play a tape to prove that he wasn't.

It isn't generally known, but Ronald Reagan still meets periodically with those who worked for him while he was governor. Some 200 Reaganites attended the last reunion in Sacramento, and it was clear that most of those who attended are itching to get back in the saddle again — in the White House.

Legislators received a dandy Christmas present from the state Board of Control, which raised the daily expense allowance for state workers from \$35 to \$40 a day, effective at the start of 1978. That's a raise in expense money for a typical legislator of \$1,000 a year — tax free.

Former Republican Assemblyman Doug Carter never quits. He's ready to run against Democrat Carmen Perino of Stockton again in November. If Carter hadn't attacked then-Governor Reagan some years ago, he'd probably be safely ensconced in the state Senate these days instead of being a probable three-time loser.

They're saying on the Berkeley campus of the University of California that the current student-body president, Trudy Lynn Martin of Millbrae, is so shrewd a politician that she's a good long-shot bet to be California's first woman governor in a decade or two.

Table of CONTENTS

Your electoreous zones

4

By Ed Neville

Everything you've always wanted to know about voting — but were afraid to ask.

Brown's Zen connection

5

By Larry Liebert

There's more than meditation going on when the Governor visits the San Francisco Zen Center.

LA's new politicians

9

By Michele Willens

Taking their cue from Jerry Brown, several newcomers are polishing their electable images.

Grey skies for the GOP

13

By Ed Salzman

Nationally the climate is improving for Republicans, but in California their prospects are grim.

LEGISLATIVE PREVIEW

Taxation and abortion

15

Charting the issues — a new Journal feature

16

The canal conflict

17

By Hal Rubin

It's Peripheral, not Panama, that the Brown Administration wants to "sell" in this election year.

A freeway porkbarrel?

19

By Dan Walters

Will the new legislative voice in transportation funding merely call for more highway dollars?

THE GREAT FARM FLIP-FLOP

When politics and profits are mixed into the battle over the 160-acre limitation, here are the results:

New cast, old arguments

22

By George Baker

Did Carter understand?

24

By Lou Cannon

Governor Brown's retreat

26

By Otto Kreisher

High stakes for CSEA

30

By Jim Bald

The new bargaining bill for state employees offers a big risk for their biggest organization.

Lee Judge	28	Newsmakers	21
Capsules	28	Courts	34
Double cross	29	Leo Rennert	35

What current research shows about your

Electoreous Zones

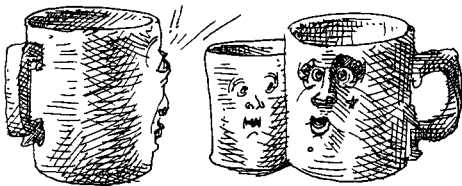
By ED NEVILLE

What really happens in the voting booth? Can anyone, regardless of background or training, become a truly skillful and accomplished voter? What should you know when you punch that hole in your ballot? Studies in research centers around the nation have revealed that many old myths about voting may not be true. Try these true or false questions and see how knowledgeable you are about voting:

Seeing a candidate face to face is the best way to judge the candidate's abilities.

False — 163 professional voters in a Southern California county attended seven "Candidate Koffee Klatches" in a two-week period and reported the following results:

- 83% — Chronic indigestion and headache.
- 71% — Apoplexy, foaming at the mouth and a desire to kill.
- 40% — Car vandalized while at Koffee Klatch.
- 27% — Stale pastry and/or coffee stains on clothes.
- 3% — Could not identify the candidate or remember anything he said.



The most important reason the voter pamphlet is mailed with your sample ballot is to provide you with information on the issues.

False — University researchers, working under a federal grant to keep them off welfare, found the voter pamphlet served a number of purposes. But providing information on issues ranked well down on the list of importance.

A survey of recent pamphlets disclosed the relative importance of these purposes as:

- A. Only known justification for the existence of the secretary of state.
- B. Gives the U.S. Postal Service something to do in the slow season between "back to school" sales and Christmas.
- C. Provides employment for a number of printers, typesetters and bilingual copy writers.
- D. Assures that every voter gets something in the mail in a plain brown wrapper.
- E. Helps people who just moved into an area locate the nearest school, fire station or a neighbor with an "in" at City Hall.
- F. Prevents any clear voter perception of the issues, by requiring you to vote "no" if you're in favor and "yes" if you're against any proposition.
- G. Guarantees that everyone, male or female, gets to say "yes" to at least one proposition every two years.

Ed Neville is a state bureaucrat — with charisma.

The time of the day a person votes reveals what kind of person he or she is.

True — A sampling of voters arriving at polling places at different times of the day reveals the following personality characteristics:

- A. **7am - 9 am** — Tend to stick themselves with the ballot punch, go to sleep in the booth and use voting as an excuse for getting to work late.
- B. **9 am - noon** — Catch up on the neighborhood gossip, go out for coffee, forget why they came and leave without voting.
- C. **Noon - 4 pm** — Arrive with golf clubs, vote "yes" on everything in 35 seconds or less and use voting as an excuse to take the afternoon off.
- D. **4 pm - 6 pm** — Irritable; use vote as protest against loss of "happy hour" in areas where pubs are closed on election day.
- E. **6 pm - 8 pm** — Angry; missing favorite TV programs, vote "no" on everything.
- F. **After 8 pm** — Prosperous; insert ballots in large numbers and tend to favor incumbents.

In general, it is then possible to conclude that the earlier in the day persons vote, the more liberal (confused) they are. Conversely, the later in the day the vote is cast, the more conservative (irritable) the voter.

"Charisma" is the single most important asset a candidate can have.

True — A post-election survey asked voters questions about factors which influenced their vote.

- A. **For whom did you vote?**
13% — Incumbent. 12% — Challenger. 72% — Don't know. 3% — Bug off!
- B. **Did your candidate's stand on the issues influence your vote?**
2% — Undecided. 1% — Don't know. 94% — Huh? 3% — Bug off!
- C. **Did your candidate's personal appearance influence your vote?**
87% — Yes. 10% — Where? 3% — Bug off!
- D. **Did your candidate's record influence your vote?**
37% — Didn't know he'd done time. 33% — Don't buy records — prefer 8-track tapes. 27% — Well, records are made to be broken, aren't they? 3% Bug off!
- E. **Do you think your candidate had "charisma"?**
46% — I thought his girlfriend's name was Diane. 21% — Doesn't matter. I had it once but antibiotics cured it. 17% — Probably, if it came with the entrée. 14% — You say anything like that again to my wife and I'll bust you! 3% — Bug off!
- F. **What exactly is "charisma"?**
100% — Bug off!

DOES THE GOVERNOR ASSUME THE LOTUS POSITION?

OR 'WHAT WE DO SPEAKS FOR ITSELF'

The S.F. Zen Center – Brown's recruitment depot

By LARRY LIEBERT

There has been a carefully rationed dash of Zen in Jerry Brown's public image ever since he became California's governor. When he ran for President in 1976, Brown would duck a touchy issue by telling an appreciative crowd, "I'd have to meditate on that one." Faced by the embarrassing defeat of his property tax relief measure a few months ago, Brown suggested legislators needed to "meditate" on the matter some more.

A vague hint of Eastern exotica is part of Brown's popular image — and Brown appears to cultivate that intentionally. But he also seems to realize the attraction lies in ambiguity, mystery. Ask for specifics: Does Brown actually practice meditation? Does he believe in the tenets of Zen religion or just dabble in its intriguing riddles? The Governor himself offers only a Zen no-comment: "Those who know don't say and those who say don't know."

To unravel the mystery of the Governor's Zen involvement, it is necessary to travel to Jerry Brown's retreat — not some monastery in the mountains but a red brick building in the heart of San Francisco's rundown Hayes Valley neighborhood. At 300 Page Street one finds the San Francisco Zen Center, an institute of tranquility lodged between the roar of an elevated freeway and the bleakness of a public housing project.

Two or three times each month, Brown slips away to a Victorian house next to the main building of Zen Center. He comes for a tasty vegetarian dinner and a glass of wine, departing the next morning after a breakfast likely to include fruit, whole grain bread and yogurt. In between, Brown shares some heavy philosophizing and some casual chitchat as the houseguest of Baker-Roshi, the secretive abbot of Zen Center and one of the Governor's closest friends.

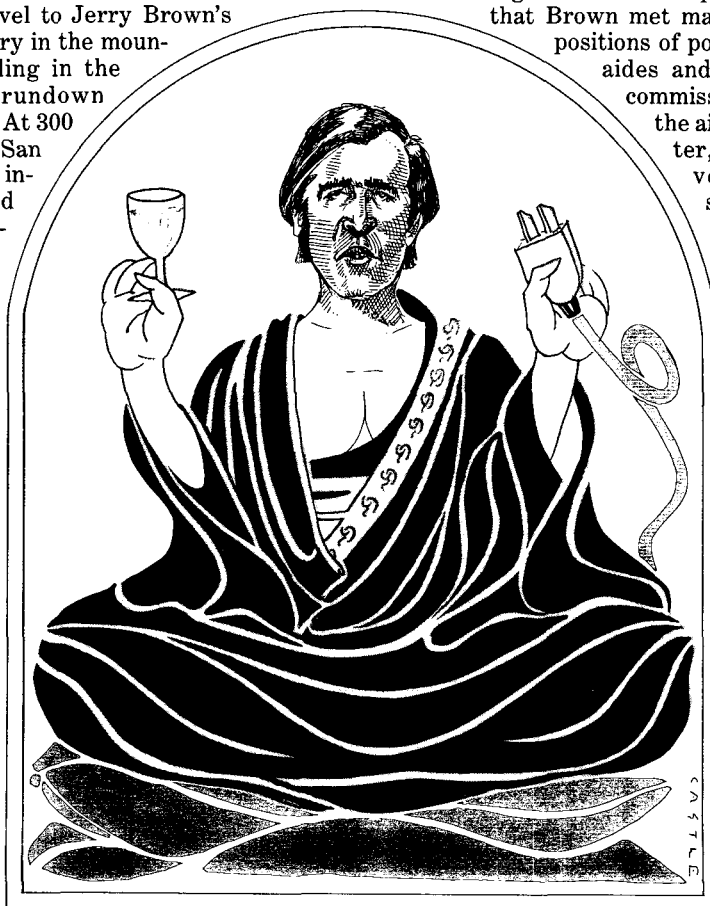
What does Jerry Brown find at Zen Center? The answer depends upon who

is asked. A politician of more traditional interests than Brown shrugs, "Jerry loves to go bullshit somewhere. He bullshits the way some of us drink." A friend of the Governor says, "The Zen Center is a place where Jerry Brown can relax. It's a retreat the same way Camp David was for Eisenhower and Plains, Georgia is for Jimmy Carter." Jacques Barzaghi, the Governor's French-accented artist-in-residence, attempts to portray Zen Center as merely a congenial substitute for a hotel room when the Governor is traveling: "When he's going through San Francisco, where does he go — to a hotel? A motel? Zen Center is basically a really nice place to be. It's a friend's house where the door is open, away from politics."

The idea broker

In fact, however, Zen Center has had a tangible effect on California government and politics. It was at Zen Center that Brown met many of those he has placed in positions of power — cabinet members, top aides and appointees to crucial state commissions. State government is in the air when Brown visits Zen Center, just as it was when more conventional governors visited such gentlemanly retreats as Bohemian Grove. As a top Brown aide put it, "Zen Center is part of the Governor's search for new ideas. Baker-Roshi is a broker who puts Jerry in touch with interesting people."

First and foremost, Zen Center is a religious monastery, an effort to adapt a 2,500-year-old Buddhist tradition to American followers. Its red-brick headquarters is tastefully decorated in modern sculpture and paintings. Monks with shaved heads and flowing black robes or casual Levis go about their assigned duties, watering plants in the verdant central courtyard or replacing incense in the Buddha Hall. The heart of the daily practice is four 40-minute sessions



of *zazen* (meditation) in the center's basement *zendo* (meditation hall).

Practitioners of *zazen* perch on plump black pillows, legs crossed in the "lotus position" and arms folded. To meditate, they simply count to themselves every time they exhale, one through ten, again and again. If anyone seems about to drift off to sleep, he or she is startled awake by a monk, delivering a sharp "thwack" to the shoulder with a long wooden stick kept at hand expressly for that purpose. Baker-Roshi has lectured his students, "When you are doing *zazen* and are able to follow your breathing, you will often find the quality of your inner space becomes more open with an increasing, clear, permeating, blissful feeling."

There are persistent rumors that those who frequent the Zen Center have happened upon California's Governor in the lotus position, meditating. Brown will not comment, but Barzaghi denies Brown ever practices meditation, despite his interest in the philosophical concepts that accompany it. (I took the Zen Center's beginning instruction in meditation as part of my research for this article. When I told the Governor I performed the best full lotus position in my class, he quipped, "If all the reporters did that, we might have some more enlightenment.") Whether or not he meditates, it is known that Brown sometimes attends chanting ceremonies at the Zen Center. He also attended Barzaghi's third wedding, performed there by Baker-Roshi and highlighted by the chanting of the Diamond Sutra.

Sweeping the garden

Some pundits have ascribed deep Zen thinking to Brown's every political move, implying a long and arduous training in the subject. In fact, Barzaghi claims, Brown began toying with Zen only after he was elected governor in 1974. Barzaghi says he was seeking a retreat where Brown could rest after the election and chose Tassajara, "although we didn't know what was there." Tassajara is a 160-acre monastery in secluded hills near Carmel, well-known as a resort open to the public for four months every year. It is owned by the Zen Center, one of varied holdings that include its headquarters, several neighboring buildings on Page Street, a bak-

ery in San Francisco's Haight-Ashbury district and Green Gulch, a 70-acre egg and organic produce farm at Muir Beach in Marin County.

Brown has visited Tassajara and Green Gulch on occasion, but since discovering the Zen Center, he most frequently stops by Page Street for Baker-Roshi's intellectual soirées.

A Zen master named Oda-Roshi once said: "Zen is two things: meditation and sweeping your garden; it doesn't matter how big your garden is." At the Zen Center, the metaphor of "sweeping your garden" is used to explain the seemingly paradoxical combination of a monastery divorced from worldly considerations and a center hosting soirées for VIP dinner guests. On a typical evening, Baker-Roshi and his wife, Virginia, welcome a variety of guests — perhaps a banker, a poet, the Governor, an astronaut, a painter and an attorney. The guests recline on floor pillows and, as one frequent guest put it, the conversation covers everything "from the state of the blue whale to the state of the San Francisco 49ers."

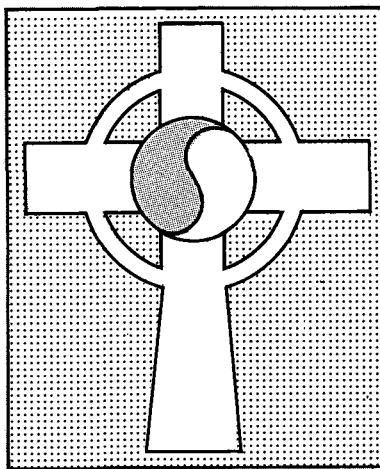
Sim Van der Ryn, Brown's appointee as state architect, explains that Baker-Roshi is "an excellent orchestrator of people. He's extremely sensitive, an excellent host. I think he perceives the need for a calm center where the public business can go on without the glare and the spotlight." Huey Johnson, Brown's resources secretary and another Zen Center regular, says Baker-Roshi's salon for movers and shakers is in keeping with Oriental custom. "The tradition in Japan is that people can meet in peace at a Zen temple, and what's talked about rarely goes outside," Johnson said. "Even today in Japan, leaders of industry and heads of state meet at Zen centers with freedom to talk about ideas."

Overseeing the relaxed dinner parties is Zentatsu Baker-Roshi, abbot of Zen Center. At dinner, he sheds his black robes for casual street clothes and urges everyone just to call him Dick. He was born Richard Dudley Baker, 41 years ago in Maine. He attended Harvard University for three years, then received both his bachelor's and master's degrees in oriental history from the University of California at Berkeley. He spent a while as part of New York's hip art scene, but later became a designer of courses and seminars

Meditation and Mayonnaise

The San Francisco Zen Center, with its monks padding about on their disciplined and austere daily course, must awaken nostalgia in Governor Brown. Much at the Zen Center probably reminds him of the four years, from 1956 to 1960, that Brown spent as a young Jesuit seminarian at the Sacred Heart Novitiate in Los Gatos.

In his frequent visits to Zen Center, Brown also finds a familiar philosophical approach, according to Professor Tennant C. Wright, a professor of religious studies at the University of Santa Clara. Professor Wright, who is also a Catholic priest, says of Zen and Catholicism: "I find them very similar. They're different in a lot of externals but not that different way deep down." The scholar said both religions find a "oneness" permeating daily life. "At dinner or sleeping or deciding about political issues," Wright says, "it's a question of being there at the right time."



Brown often refers to such a mystical sense of timing — "the chemistry of the political process" — when refusing to state a position on a controversial issue until he believes the time is right. On a more spiritual level, Baker-Roshi, abbot of Zen Center, says that

Zen meditation can lead to oneness with the universe. Baker-Roshi has told his students, "The feeling here is not just that you are in the midst of the flow going with it, accepting it; but that you are so one with it that you are the flow itself."

Brown doubtless appreciates the baffling riddles and parables of Zen teaching. It is pure Zen, for instance, when Brown sometimes attacks experts, saying, "In the mind of the beginner, there are many possibilities. In the mind of the expert, there are few."

With his appreciation for word-games, Brown must particularly relish Baker-Roshi's cryptic parable of the mayonnaise: "To whip it up you can start with one egg and some oil, and once it's going right you just keep adding oil. With one egg and sufficient whipping and oil, you can fill a meditation hall with mayonnaise." — Larry Liebert

at the UC extension center in San Francisco. "He was in the habit of doing one smashing program a year," recalls Marvin Chachere, now an assistant dean at UC extension. "One I remember was on LSD. The chancellor ordered us off campus because it was too controversial."

Baker became involved in something called sensory awareness, then in the Zen Center. In 1967, he quit UC extension to devote full time to the Zen Center, going to Japan to spend several years learning about Zen Buddhism and its cultural roots. In 1971, Suzuki-Roshi, founder of the Zen Center, installed Baker as his "Dharma heir" and the new abbot of Zen Center. At the installation, shortly before

Suzuki-Roshi's death, Baker-Roshi's sermon was brief and characteristically Zen. All he told the congregation was: "There is nothing to be said."

Baker-Roshi flatly refuses to speak with journalists. His aide and the director of Zen Center, Ed Brown, says, "What we do speaks for itself." Those who frequent his soirées call Baker-Roshi "a Renaissance man," a raconteur, a poet and art collector, an environmentalist with a keen sense of humor.

Although he is a registered Democrat, his admirers insist that Baker-Roshi hasn't the slightest interest in politics, recognition or power. Robert Gnaizda, an attorney who formerly was a top aide to the Governor, describes Baker-Roshi with Zen irony. "One of the reasons he has influence," Gnaizda says, "is that he's not interested in influence and doesn't use it."

That may be, but Baker-Roshi's guests constitute a "who's who" of the Brown Administration's more unusual personalities. Many of them first met Brown at Baker-Roshi's dinner table or first got to know him well there. Here is a roster of some leading Brown associates who share his "Zen connection":

Alan Rothenberg, formerly Brown's secretary of Business and Transportation and currently an appointee to the Little Hoover Commission. One of his first encounters with Brown was at an urban affairs seminar sponsored by the Zen Center. A banker, Rothenberg met Baker-Roshi through a mutual friend and later helped him develop a park, one of

Zen Center's several projects to improve its impoverished neighborhood. In return for dinners at Baker-Roshi's house, Rothenberg and his wife sometimes have the Zen Center leader and his wife over to their house for a meal. Rothenberg insists he views Baker-Roshi "as a friend, not a religious leader." The banker said he never meditates because "I don't even have the patience to wait for a dime to drop in a phone booth."

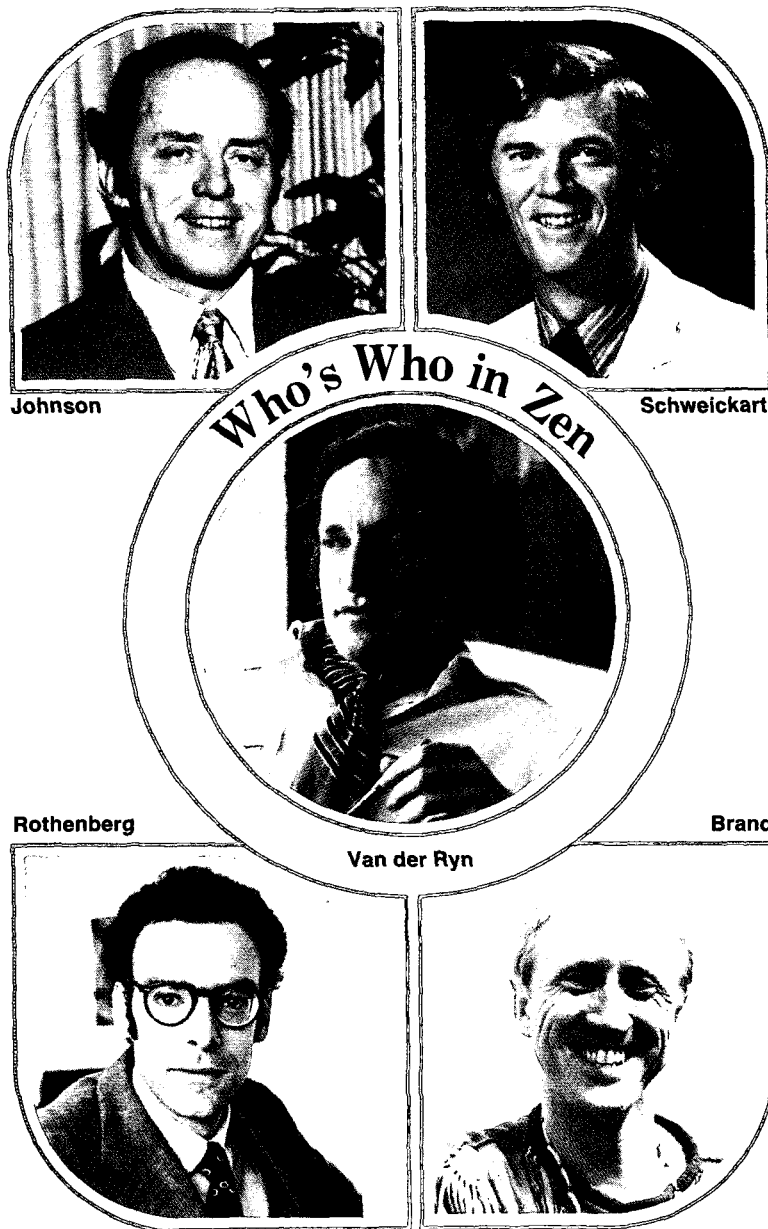
Huey Johnson, Brown's secretary of the Resources Agency. He met Brown on various occasions but they became friends over dinner at Baker-Roshi's house. Johnson formerly headed Trust for Public Land, which acquires land to preserve as open space.

Johnson first learned of Zen Center when he hired one of its frugal and conscientious students as caretaker of a property owned by his environmental group. He said the Zen Center student was so efficient a worker that he later called the center whenever he needed a secretary or accountant for his organization. Johnson believes the Zen ethic is environmentalist in tone: "Part of this Zen philosophy has been to live well with less, to live close and in touch with the earth." Johnson helped the Zen Center obtain its Green Gulch farm in Marin County, and he visits there often. He practices transcendental meditation regularly.

Sim Van der Ryn, Brown's state architect. Van der Ryn, who has been active in developing limited-technology buildings and solar energy, acknowledges that the Zen Center was the strongest influence in his meeting Brown. At one point, Van der Ryn felt a twinge of guilt that he had not learned how to meditate. But Baker-Roshi assured

him his everyday life could be sufficiently spiritual, saying, "You're a Zen student — not my Zen student, but you're doing your practice."

Stewart Brand, part-time adviser to Brown. Brand is former publisher of the *Whole Earth Catalogue* and current publisher of *Co-Evolution Quarterly*. He lived next to the Zen Center for two years, helped to finance some of its neighborhood projects and works with Baker-Roshi in plan-



ning conferences on current issues.

Brand argues against isolating the Zen Center as the dominant influence on Brown. He ventures that his magazine may be just as important. "So many of these people knew each other previously or in another way," Brand says.

Gary Snyder, member of California Arts Council. Brown met the Pulitzer-Prize-winning poet at Zen Center. Snyder has a home in Nevada City — which Brown sometimes visits — and Baker-Roshi reportedly has a retreat of his own nearby.

David Pesonen, member of the state Board of Forestry. Pesonen, a lawyer and environmental activist, has known Baker-Roshi for more than a decade. Pesonen was a leader of the unsuccessful anti-nuclear initiative in 1976. He recalls that it was Baker-Roshi who arranged a day-long meeting between Brown and those on both sides of that issue during the campaign. Pesonen said Baker-Roshi gets "various kinds of people together. Then, he just sits back and watches."

Russell Schweickart, science adviser to Brown and former

astronaut. He first met Brown at a Zen Center conference on space voyages. Schweickart has been a practitioner of meditation since the 1960s, when the wonders of his walk through space during an Apollo spaceshot set him on a spiritual quest. Schweickart also has been associated with Lindesfarne, a spiritual commune on Long Island.

Gregory Bateson, member of the University of California Board of Regents. Bateson is a frequent guest at Zen Center conferences as well as at Lindesfarne. He is an anthropologist with a bent for philosophical musings.

Even if Brown does not ever assume the lotus position, therefore, the red-brick Zen Center emerges as a significant influence — as a source for Brown's confidants, as input for his philosophical and political ideas and as a retreat from the daily grind. In short, Brown has made the San Francisco Zen Center virtually the spiritual capital of state government.



Larry Liebert is a correspondent in the San Francisco Chronicle's capitol bureau.

GET READY FOR THE ABORTION DEBATE WITH . . .

The Sex Code of California



The Sex Code of California provides everything you might want to know about California sex laws — if you're not afraid to look. Among other things, it will provide detailed background material for one of the prime issues in the 1978 Legislature — funding of abortions for women on welfare.

To be absolutely honest about it, this is a sex book that isn't very prurient. As a matter of fact, you might say it is 100 percent of redeeming social importance. But it is an extremely valuable book to anyone who wants to know what California sex laws have been, where they stand today and where they might be going.

Prepared by Planned Parenthood Associates of California, the book includes chapters on abortion, contraception, venereal disease, incest, prostitution, rape, artificial insemination, seduction, bestiality, child molestation, adultery and obscenity. Written in understandable lay language, this compendium leaves no aspect of human sexuality uncovered. There is even a statistical section entitled "Facts of Life in California."

Copies of the **Sex Code of California** are available from the **California Journal Press** for \$5.25, including tax. Other books in the **Journal's** California collection:

Reporting: An Inside View, by Lou Cannon. A 320-page book by the **Journal's** long-time Washington columnist. Hardback \$10.55; softbound, \$5.25, including tax.

Jerry Brown: High Priest and Low Politician, by Ed Salzman. Price \$3.13, including tax.

California Journal Almanac of State Government and Politics, 1977 - 1978 edition, compiled by Ed Salzman. Price: \$4.19, including tax.

The Carey McWilliams Trio: **California: The Great Exception** — \$4.24, including tax. **Factories in the Field** — \$4.24, including tax. **Southern California: An Island on the Land** — \$3.50, including tax. Special offer for all three volumes (retail price \$14.69): \$10.60, including tax.

California Government and Politics Annual 1977 - 78, 128 pages of reprints of **Journal** articles on current issues in state government and politics, prepared primarily for classroom use. Price: \$3.45, including tax.

Send all orders to **California Journal Press**, 1617 10th St., Sacramento 95814. Postage and handling are free on prepaid, Visa and Master Charge orders.

The new generation of Los Angeles politicians

By MICHELE WILLENS

One night in 1968, amid the chatter of a Los Angeles cocktail party, Jerry Brown ran into a friend and asked him what he was doing. His friend said he was running for the Community College Board.

"What's that?" asked Brown.

He found out, saw the possibilities and the next day Brown was announcing his own candidacy for the board to a room full of reporters.

Brown's name got him the job but his brief, visible service on a virtually invisible board, and his popular reign in the previously dormant secretary of state's office, proved to be perfect springboards. The Jerry Brown technique also has served as inspiration to a relatively new group of other young politicians in the populous southland.

Brown-alikes in style and in their ability to find the right issues at the right time, they too are coming out of the least likely places with hopes of making a hop, skip and jump into higher office. Suddenly, Los Angeles has a controller, a city attorney, a district attorney, a board of education member and a couple of city council members whose names people know. One of them, City Attorney Burt Pines, is leaping into a state campaign just as he is beginning a second term. The others will be announcing candidacies in the not-too-distant future.

Most of the new breed have projected Brown-like images. Just how much substance lurks behind the style is still being debated, although it is not clear if that distinction even matters to the voters. A recent Field Poll showed most Californians are pleased with the job Governor Brown is doing. But they also admit they don't think he's done anything important while in office.

LA's watchable new political figures are hoping the Governor's style can be mass-produced. Here is a rundown on some of them:

Burt Pines became city attorney in 1973, defeating a long-time incumbent. Most voters had forgotten there even was a city attorney in Los Angeles. But Pines, a 38-year-old Democrat reminded them, and the voters seemed appreciative. He was reelected last year with 81 percent of the vote.

Now he's running for state attorney general and, along with Representative Yvonne Burke, is considered a front-runner. He has projected the image of a young man who cares for the consumer, surrounds himself with other bright, young types and has a low-key but forthright approach. He also has some big-money people behind him, including Lew Wasserman, Jerry Weintraub and Jerry Moss. Twenty persons have committed themselves to rais-

ing \$10,000 each for his campaign; attorney Chuck Manatt is his campaign chairman and the Winner/Wagner consulting firm is calling the shots.

But Pines has problems too. His personality and speech-making ability are bland, particularly in contrast to the dynamic public presence of Burke. Insiders say that Mayor Tom Bradley will support Burke, not Pines, in the attorney general race — a potential blow to Pines' chances.

He's got another problem, one that has already lost him the support of some big Democratic money. Pines must explain a recent incident involving the destruction, via a shredding machine, of hundreds of complaints by citizens against police officers. The files, covering all cases more than a year old, were shredded last year at the request of the police department. Pines says he didn't know of the shredding but has taken full responsibility for it. He's hoping that will suffice — but that's overly optimistic. There seems to be little doubt that the incident was, at worst, illegal, and at best, unethical. Los Angeles judges are throwing out virtually every case in which the files might have aided a defendant. In terms of Pines' future, the questions in the case are: Did he know? If he didn't know, why not? And will the voters even care? One attorney who quit the city attorney's office over the incident says, "I and some others urged strongly against (the shredding). I can't tell you for sure that Pines himself ever knew, but his counsel sat in on our meetings and told us everything we discussed was later relayed to Burt. We were told to try to keep it quiet after it happened, but some of us just didn't think it was right." Pines says he's hoping the incident will not be made a campaign issue, but he privately worries about it a great deal. He feels that most citizens don't understand the complex issue, but they do know the word "shredding," and they don't like the Watergate-like memories it conjures up.

Another criticism of Pines — one that is heard in the legal community and from some persons inside the city attorney's office itself — is that everything he does is political and that his decisions are determined by potential voter response. Pines considers himself a strong liberal in most matters, but some observers in the legal community say he is conservative in everything, from demanding harsh sentences for criminals to requiring that his employees wear ties to meetings. "I'm a civil libertarian," Pines says, "but I am a hard-liner on crime. And in my AG campaign, I'm going to talk about how our whole criminal justice system has to be toughened up."

Pines' own polls show him about 7 percent ahead of Burke in name recognition, most of that in the south. Right now both say they plan to wage "positive campaigns." That means Burke won't bring up "Shred-gate" and Pines won't mention Burke's husband, whose huge prepaid health plan,

Michele Willens is a Los Angeles free lance writer and a former reporter for the Los Angeles Times and KNXT-TV.

Omni-Rex, has been under frequent investigation by state agencies.

Ira Reiner, 41, chose as his launching pad the office of Los Angeles city controller. Actually, Reiner started in Brown's footsteps, with a brief stint on the Community College Board. But after considering a few possibilities and losing one bid for city attorney, he found his spot this year.

In his inaugural speech, Reiner promised to go after city officials who are spending too much of the taxpayers' money on frills. Voters broke out in applause; officials broke out in hives. Already, Reiner is the city's most controversial political figure. Some people are sure he is actively running for mayor. Bradley has consistently said he would confine himself to two terms, and his aides say he's 95 percent sure he'll stick to that. The 1984 Olympics in Los Angeles could change Bradley's mind, however.

Reiner has projected a strong, watchdog image, similar to Brown's as secretary of state. He's tall and handsome, with gray curly hair and a deep voice. The first thing Reiner did in office was to challenge a Harbor Commission trip to the Orient. The trip as originally planned involved first-class travel, a large entourage and even a beauty queen who commissioners thought would be helpful in fostering business. Reiner didn't really have the authority to stop the trip, but he did fight about it with the city council and got a lot of press attention and public support. The trip was eventually cut back and Reiner's pattern was set.

Next, he went after the 15 council members, briefing the media with complex charts showing how members were using their expense accounts. He charged that they weren't turning in receipts or specifying where the money was going. Council members replied that Reiner gave them no guidelines and that the previous controller didn't demand receipts. After one confrontation, Reiner told news people the council was the city's version of the "Gong Show."

Many officials, including Pines, say they agree with what Reiner's doing, but they just don't like how he's doing it. Joy Picus, a new council member, says, "I think he's justified in requesting receipts for city expenses. I was appalled that hadn't been going on. But I don't like reading things in the paper before they get to me." Zev Yaroslavsky, the youngest council member, says Reiner is operating by innuendo and charges him with a form of McCarthyism. Councilman David Cunningham says simply: "That SOB is a Judas Priest."

Reiner says he feels the only way he can get action from the city officials is by bringing things into the light of day. "I'm doing things the way they hate," he says. "I'm making them public." Reiner's relations with the city council may be irreparable, but Reiner says he thinks council members will calm down when they accept the fact the city finally has a controller doing his job. The voters right now seem to like and cheer his every disclosure, but in terms of gaining political allies among popular people at city hall, he may be damaging himself. Reiner believes at least one-third of the council members want to be mayor and are jealous of him: "They know where they're going," he says, "but they're not sure where I'm going. But they know it might be the same place."

Reiner may be walking another tightrope. By representing himself as Mr. Clean, he may open the way to the slightest challenge of his own integrity. Already he has been charged with sending a non-city memo on city stationery. He quickly paid up the \$12.

One man Reiner may face in the next mayoralty election who also seems to have a future in state politics, is Councilman Zev Yaroslavsky. Into his second term on the council (he won the first time in a special election and had to run



again soon after), Yaroslavsky denies he's planning anything. But he already has more than \$100,000 in a campaign fund.

Zev Yaroslavsky is 29 years old, serious, intense, liberal and Brown-like in two key ways. First, he has shown real savvy in media skills and has become a master of the 30-second, made-for-television statement. Secondly, he's shown a knack for getting behind consumer-oriented issues just before they become widely known. He is generally given most of the credit for the closing of the unpopular Diamond Lane on the Santa Monica Freeway, an issue that pitted him against the Brown Administration. Yaroslavsky also has been the leader in getting the Department of Water and Power to restructure its rates in favor of consumers. He has pushed through dial-a-ride programs, mini-buses for the congested Westwood area, programs for the elderly (a large component of his Westside district) and stop signs where citizens had been demanding them for years. He won reelection with 91 percent of the vote.

Yaroslavsky's district houses many of the city's wealthy Democratic contributors, and most seem pleased with him. It is also a heavily Jewish district — perfect for Yaroslavsky who, prior to his election, worked for many Jewish organizations.

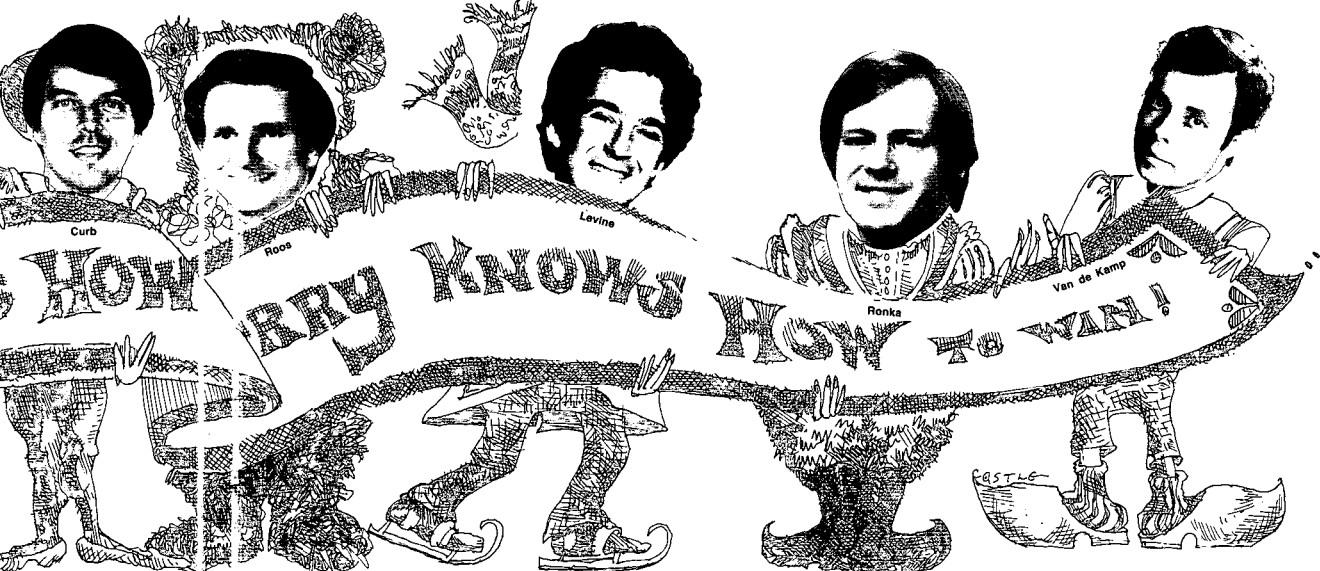
What people seem to like especially about Yaroslavsky are his image of independence and simple lifestyle. He got into politics without much financial support and came off as the poor "little guy" running against a rich lady friend of the mayor's, Frances Savitch. That image endeared him to voters and if he can maintain it and stick with the colorful issues, he should have a bright future. But already some supporters are growing skeptical about his ability to remain independent. They point to his last dinner at which invited guests paid \$500 each to attend.

Yaroslavsky concedes the dinner was a jolt to his image but he says, "My fundraising structure is such that I don't rely on anyone. I'm my own man. Most of my money still comes from small contributions. Anyone can have my ear just by calling me."

As for the future, he says, "I'm leaving my options open. The thought of mayor has crossed my mind — I can't say it hasn't. Politics is the art of being lucky. If you're prepared, if there's an opportunity, and you can do it, it's worth trying. I want to be in that position."

If the Democrats are looking for the next Brown, Republicans seem to be looking for the next Ronald Reagan, who was their last state superstar. They may have found one in Mike Curb, whose political views resemble Reagan's and who comes from the same world of entertainment.

Mike Curb is 32 years old, with dark hair and blue



eyes and the kind of looks that turn Republican Women's Club luncheons into swooning sessions. A self-made millionaire, he has written songs, commercial jingles ("You meet the nicest people on a Honda") and now heads his own record company. The GOP is hoping Curb can prove his vote-getting power this season in a run for lieutenant governor. As national Republican committeeman, Curb has impressed all segments of the party. Last year he was California cochairman of Reagan's presidential campaign and then handled the same job for President Ford.

Republican leaders see Curb as their one real opportunity for capturing a state office and as the one candidate who can appeal to both the Ford and Reagan forces. They also like to envision Curb near the governorship, should Brown win this fall but move on to a presidential race soon after that.

Even though he hasn't announced yet and most voters don't know his name, Curb already has obtained an impressive array of endorsements, including Ford, David Packard, a group of congressmen and all five Republican gubernatorial candidates. But one likely rival of Curb in the lieutenant governor's race, Assemblyman Mike Antonovich, says Curb has no political experience and is simply the product of kingmakers, money and endorsements. "He's given a lot of money to a lot of people," Antonovich says, "and now he's just calling in his IOUs."

Curb insists there's soul behind all the money and big names: "This campaign started as a grass-roots campaign, among my friends and people I've worked with. The people financing my campaign did not get involved until they saw I had grass-roots support."

Curb says he was attracted to the lieutenant governor's job because it includes the chairmanship of the Commission on Economic Development. That, he says, will give him a chance to do things about jobs and business. Those will be the main themes of his campaign as well: "This state has lost its initiative, its incentive to work," Curb says. "We have a welfare mentality. Jobs are being lost here because people know — or at least perceive — that we have a bad business climate. When there's uncertainty, there's a tendency not to invest. You invest less, you produce less and create less jobs. I'm at odds with the small-is-beautiful philosophy. The last thing I want to tell people is lower your expectations."

Curb is a good public speaker, though he tends to go heavy on the clichés and laugh more at his own jokes than others do. But he's polished, likeable and new. For the GOP, he may be the Reagan in their future.

As Jerry Brown entered politics largely on his father's name, Kathleen Brown Rice has entered largely on her brother's. She is serving her first term on the Los Angeles Board of Education which, to her surprise, has turned out to be more of a hot seat than a stepping stone. The board is

currently trying to work out a court-ordered desegregation plan for the city's schools. Rice is attractive, bright, clever, in her early 30s and has the personality of her father, not her brother. The liberal community expected her to be a friend on the school board, but it is not so sure anymore: Rice has supported some less-than-liberal integration plans. Labor's enthusiasm for Rice also has cooled because she hasn't always voted for big wage increases for school employees.

Rice frankly admits the school board post is a difficult one: "I'm just trying to keep my head above water," she says. "I know I've lost some old supporters, but that's because I've been in a job where it's been impossible to avoid making decisions. It's not easy when you're sitting up there and the audience is filled with people screaming at you."

Rice says she doesn't plan to stay on the board forever, but isn't sure where she'll go next. This year she'll no doubt do some campaigning for her brother, the Governor: "Sure I'll help. If he calls and asks."

Other Los Angeles political figures are making names for themselves in the southland and could make Brown-like ascents. Two new assemblymen, Mike Roos and Mel Levine, each spent close to \$200,000 to get elected, so the odds are they won't stop there. Republican Senator Bill Campbell is another politician people are watching.

Another member of the city council appears promising: Bob Ronka. Blond, 34 and mediagenic, Ronka is a businessman and lawyer. He has already displayed some good Brownish tactics. He turned back his salary increase and has aligned himself with popular issues such as the legalization of bingo. He also made a well-publicized, pre-dawn run with some city garbage workers, "to get a feel" for their concerns.

Still another rising political star is Los Angeles District Attorney John Van de Kamp who was a contender last year for the post of director of the Federal Bureau of Investigation. A number of influential lawyers and politicians have urged Van de Kamp to run for attorney general, but he has told them he doesn't want to be seen as another ambitious politician who uses one office to run for the next one. (The public often confuses him with Burt Pines whom he resembles physically. Privately he's made it known he has little respect for the city attorney.)

If Van de Kamp does have ambitions, they don't show. He rarely seeks out the press and spends little time courting potential contributors. But Van de Kamp clearly has a future if he can turn substance into a winning style.

All the others hope voters will continue to prefer their politicians with a combination of substance and the winning style of their Governor. Any similarities between their own styles and Jerry Brown's are, of course, purely intentional. ■

EVERYONE LIKES CALIFORNIA... BUT WHY?
AFTER EXHAUSTIVE RESEARCH WE
THINK WE KNOW... BECAUSE THERE
ARE SO MANY THINGS FOUND

EVERYONE LIKES CALIFORNIA... BUT WHY?
AFTER EXHAUSTIVE RESEARCH WE
THINK WE KNOW... BECAUSE THERE
ARE SO MANY THINGS FOUND
only in California!

PEACE NOW!!

SUCH AS AESTHETIC AWARENESS IN
THE SMALLEST DETAILS... EVEN
THE NAMES OF OUR STREETS...

There's no room
for this sign...
knock down the
tree!



A PLACE WHERE
ACTIVISTS STILL CARE
ABOUT THE ENVIRONMENT

LAST BUT NOT
LEAST, A STATE WHERE
MAN CAN COMMUNE WITH NATURE...



A STATE KNOWN FOR ITS HIGH EDUCATIONAL STANDARDS!



A PLACE WHERE PEOPLE ARE RELAXED
AND TAKE LIFE EASY...

ALASKAN PIPELINE

LET 'ER RIP!

BEER
PIES

AND HOW MANY PLACES HAVE TOO MUCH OIL?

AND HOW MANY PLACES HAVE TOO MUCH OIL?

The improved GOP climate — except for one-party California

By ED SALZMAN

In theory, Republicans should be able to make substantial gains in next year's California elections. Local elections throughout the state show a definite trend toward the conservative view, especially in fiscal matters. The effects of Watergate seem to have worn off, and now quite a few California Democrats have been tainted by the unfolding Korean scandal. This should help the Republicans in congressional elections. Nationally, President Carter has been losing popular support, and the potential is there for GOP conversion of these poll results into ballot-box victories next year. Republicans have won three out of the four special congressional elections since Carter became president. Perhaps most importantly, the Republicans hold so few offices in California these days that they would appear to have no place to go but up.

Converting theory into fact, however, will be an extremely difficult task for the Republicans. The Grand Old Party is on the rocks in California for many reasons, and it is doubtful that Republicans will be able to take advantage of the improved climate. The most important reason is that California for most of its history has been a one-party state — and there is no sign that the era of Democratic rule that started in 1958 is about to end.

On the surface, it might appear that California is a competitive state. After all, Republican S.I. Hayakawa won a United States Senate seat last year; Gerald Ford carried the state over Jimmy Carter; and Ronald Reagan was one of the most successful politicians in the state's modern history. But since 1900, there have been only two periods in which the two major parties were fairly evenly matched. From the turn of the century until 1958, this was essentially a Republican state, and it has been Democratic since 1958. The two exceptions were 1939-1942 when Democrat Culbert Olson managed to break into the victory column, and the

Reagan years of 1967-74. Even so, Olson had to deal with a rebellious conservative Legislature, and Reagan never had a working GOP majority in either the Senate or the Assembly.

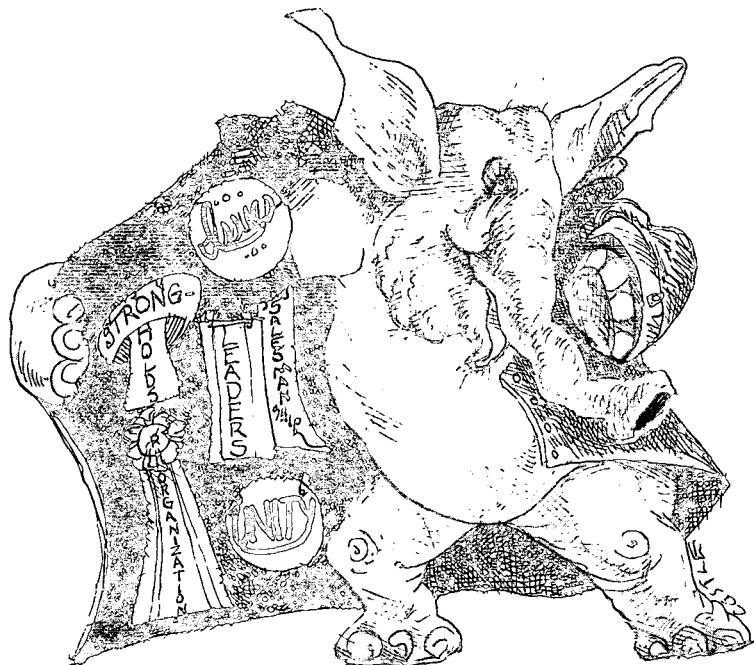
Better days ahead?

Some Republicans are viewing local elections as a forerunner of better days ahead. It is true that Republicans swept all contested seats in the recent San Diego city council elections, that a Republican was elected by an overwhelming margin to the previously all-Democratic Sacramento city council and that two liberals lost their seats by recall in the city of Albany, adjoining Berkeley. It must be emphasized that local-election results can be deceiving because they are usually the product of low turnouts. Low turnouts mean there is a disproportionate number of Republicans going to the polls, because they are more faithful electors than Democrats. When the state and national offices are on the bal-

lots, there is always a much heavier Democratic turnout.

The Korean scandal could help the Republicans pick up a couple of seats in the congressional delegation. But the man most affected by the revelations, Richard Hanna of Orange County, has already quit Congress.

The Republicans are mounting expensive campaigns to improve their lot in the Legislature, but the task was made more difficult by the retirement of liberal Republican Senator Peter H. Behr of Marin County. A Democrat, Assemblyman Barry Keene, is the early favorite to win that seat. The Democrats can afford to give some ground in the Assembly, where they now hold 57 of the 80 seats. Next year will be the Republican year of opportunity in the Senate, where 17 of the 20 seats up for grabs are held by Democrats. The Republicans will try to pick off enough Democrats in the next two elections to prevent a Democratic reapportionment in 1981, but the early



outlook is for the Democrats to maintain the 26-14 margin they now hold in the Senate.

The basic needs

Why are the Republican prospects so bleak? The Democratic nature of the state doesn't answer that question because it has been demonstrated repeatedly that Republicans can win when they do things right or the Democrats do things wrong. There is no secret to what the Republicans need:

- **Issues.** What do the Republicans stand for in California today, as opposed to the Democrats? Governor Brown has coopted the traditional prime positions of the Republicans — fiscal conservatism, opposition to growth of government and a halt to increased social-welfare programs. Brown also has switched positions on several issues to meet political exigencies and has left Republicans with rather empty rhetoric to use against the state's leading Democrat. The Republican voices in the Legislature have been relatively ineffective, partially because the leaders have so few votes with which to block Democratic bills.

- **Leaders.** The Republicans desperately need a new wave of bright, young candidates to lead the party into position to challenge the Democrats. The "Young Turks" of the early 1960s in the Assembly — Bob Monagan, Houston Flournoy, John Veneman, Bill Bagley and company — paved the way for Reagan's election and brought nominal GOP control to the Assembly for two years during Monagan's speakership. Mayor Pete Wilson of San

Diego and Assemblyman Ken Maddy of Fresno, two announced candidates for the Republican nomination for governor, are bright, young, aggressive and with appeal to Democrats. An attempt is being made to thrust entertainment impresario Mike Curb into a leadership role as the GOP nominee for lieutenant governor. But Curb is a political oddity, as was Reagan, and Wilson and Maddy are facing an uphill struggle as they try to leap over a couple of older candidates in the governor's race, Attorney General Evelle J. Younger and Police Chief Ed Davis of Los Angeles.

- **Unity.** The Democrats can afford to fight among themselves and still come away with their share of victories. But the minority party needs cohesion. The traditional gulf between the conservative and moderate wings of the GOP has not been narrowed, and the conservative element usually is in control. That is one reason why Ed Davis could emerge as the Republican candidate for governor next year. Younger, Wilson and Maddy are all moderates. (The fifth candidate, Senator John Briggs, is a conservative, but he has probably already peaked in the polls with two or three percent of the vote.)

- **Strongholds.** There was a time, only a few years ago, when the Republicans controlled major areas of the state — notably Orange and San Diego counties — and they were able to concentrate on raiding expeditions into Democratic territory. But now the strongholds are mostly gone, and the GOP must devote much more effort than before to protecting its own flanks. It has been the Democrats who have been the buccaneers in recent elections. Pete Wilson is the only Republican who heads a media-center city in California. Democrats control the rest with Tom Bradley in Los Angeles, George Moscone in San Francisco, Janet Gray Hayes in San Jose and Lionel Wilson in Oakland. The cities and counties used to be the breeding ground for Republican candidates for statewide office.

- **Organization.** Many of the Republicans who really count in California are tied to the operations of Ronald Reagan, either formally through Citizens for the Republic or informally through dedication to Reagan's quest for the presidency. Ever since Reagan turned his attention almost exclusively to national and international affairs, there has been a lack of energy directed toward state affairs by those close to the former governor. As long as Reagan remains a potential candidate for president and as

long as he keeps his formal and informal organizations together, the GOP will not be strong enough to give the Democrats an across-the-board challenge within California. Many of Reagan's backers are virtually sitting out the gubernatorial primary, although they plan an all-out campaign on behalf of Mike Curb.

- **Salesmanship.** The political balance of power in California is the middle class, among those who live in the suburbs of San Fernando, San Mateo and San Leandro. The Republicans have failed to attract these voters in large numbers because they have not erased the image that the GOP is the party of La Jolla, Newport Beach, Piedmont and San Marino. In fact, Republican stands on issues often are more in line with the desires of the middle class than are the positions of the Democrats. Jerry Brown has recognized the need to retain support of middle-class suburbia, and that is one reason why he has angered the social activists of the state. Likewise, many of the Democrats in the Legislature have followed his lead and taken moderate-to-conservative stands on many issues. The Republicans need to develop political merchandise for the middle class, both candidates and issues, and to market them effectively, as was done in the 1960s.

A moving target

It can be argued that it doesn't make much difference whether the Republicans are in the ball game or not because political parties, by design, are extremely weak in California. But the Legislature has become increasingly partisan in recent years, and it probably is not healthy for the minority party to be so small that there is no effective dissent. What vehicle are we going to have for intelligent discussion of public issues in California unless we have some semblance of a two-party system? Is it healthy to have decisions made through competition between various special-interest groups?

Above all, Republicans these days are hindered in their efforts to hit their prime target, Governor Jerry Brown. Just when the Governor seems vulnerable on an issue, he beats the Republicans to the punch by switching positions on that issue. The shrewd political antics of a Jerry Brown more than outweigh the theoretical advantages of a local conservative trend, a Korean scandal and a faltering Democratic presidency. About the only consolation for the Republicans is that many Democratic politicians also complain about the elusive quality of their nominal leader.

An easy way to order subscriptions and books



Master Charge, Visa and BankAmericard cards may be used to purchase subscriptions and books from the *California Journal*. When ordering, send just the card number — not the card itself — and we'll take care of the rest of the paperwork. Send your orders to the *Journal* at 1617 10th St., Sacramento 95814.

Taxation and abortion under the initiative gun

What a difference 100 days and 1.2 million signatures make.

In mid-September, legislators came within a whisker of approving a massive tax package sponsored by Governor Brown. They returned home on September 16th empty-handed, after the Senate refused to buy the so-called circuit-breaker proposal that was the cornerstone of the Governor's plan. At that time, Brown was insisting that the lion's share of tax relief be given to Californians with the lowest household incomes. But by the time the cool breezes of winter flowed into the Capital City, Brown no longer had his feet in concrete on the circuit breaker. Now, there were two new cornerstones — restrictions on local government spending and the institution of a split roll method of property taxation that would hit businesses harder than homeowners. This opened the door to a variety of proposals for providing tax relief with the state's massive surplus — including state takeover of local health and welfare costs. The problem for legislators in an election year is trying to find some way of getting rebate checks into the hands of homeowners by November, and the technicians said that probably couldn't be done.

The pressure on the Legislature became far more intense in early December, when tax protesters Howard Jarvis and Paul Gann submitted petitions with a record 1.2 million signatures to qualify their reform initiative for the June ballot. The Jarvis-Gann plan would limit property taxes to one percent of market value. This would cut many property tax bills to a third and would force an estimated \$8 billion cut in local property tax revenues. If the measure were to pass, the burden would fall on the Legislature to provide the lost revenues for school districts, cities and counties. The alternative would be for local government to go hungry.

As the Legislature convenes for 1978, it may not be sufficient for lawmakers to find a consensus solution to the tax issue which caused so much controversy last September. Now, lawmakers must adopt a strategy that will help defeat the Jarvis-Gann initia-



tive. A likely approach would be for the Legislature to tell the voters in advance what will happen should the ballot proposition pass, in the form of a stand-by tax bill levying \$8 billion in new state taxes. How will the public react to a 10 cent sales tax and a 100 percent increase in state income taxes, for example? The stand-by bill might well make the Jarvis-Gann plan unpalatable to the voters.

In addition to its failure on a tax package, the 1977 Legislature also failed to complete work on Governor Brown's pet project — a bill authorizing the construction of the Peripheral Canal around the Sacramento-San Joaquin Delta. (See accompanying article.) The Legislature last year did enact a far-reaching bill in the field of transportation, among other things giving the Legislature a far larger voice in the allocation of funds for freeway projects. This year, lawmakers will have their first chance to use this self-acquired budget authority. (See accompanying article.)

But the most controversial part of the budget may be a relatively small item in the health-department appropriation — abortion funds for women on welfare. The federal government has cut off funds for abortions, except under limited circumstances, and the state has elected to pick up the cost of providing them to Medi-Cal recipients. The Pro-Life organization is mounting a campaign to prevent allocation of funds for these abortions, and this may well become magnified into the most

emotional issue of the 1978 session. The Pro-Life forces are preparing an initiative to cut off abortion funding should they fail in the Legislature.

Other possible major issues:

- **Public-employee rights.** Mayor Pete Wilson of San Diego and other supporters of a complex initiative that would cripple public-employee labor organizations failed to gather enough signatures to qualify the measure for the ballot. This dealt a blow to Wilson's campaign for the Republican gubernatorial nomination, and it also gave police and fire organizations new hope that they can get their pet bill through the Legislature. That proposal, authored by Senator David Roberti of Los Angeles, would employ binding arbitration to settle disputes between government and public safety employees. The bill was defeated in the Senate last year, but the proposal is expected to be revived, especially now that the initiative, which would have banned binding arbitration, fell by the wayside.

- **Mandatory overtime.** The California Manufacturers Association has given high priority to the defeat of a bill by Assemblyman Tom Bates of Oakland banning large employers from forcing their employees to work overtime. The Bates bill has passed the Assembly and is awaiting action in the Senate. The CMA claims that passage of the bill, which would affect some five million California workers, would increase costs for California business firms.

- **Political reform.** The status of the Political Reform Act of 1974 will not be known until the state Supreme Court rules on a decision by Superior Judge Parks Stillwell of Los Angeles declaring the entire measure unconstitutional. If Stillwell's decision is upheld, in part or in its entirety, the issue of political reform, especially regulation of lobbyists, will be thrown into the laps of legislators. Should the Legislature then fail to act, the sponsors of the 1974 act would probably mount another initiative campaign.

The standard position under which lawmakers do business these days, it seems, is beneath the shadow of the initiative shotgun. E.S.

CHARTING THE LEGISLATURE

Starting with this issue, the *Journal* will publish a monthly report on major bills being considered by the Legislature. When action is completed on a measure, it will be dropped from the chart. As significant new bills are introduced, they will be added. The chart will appear in the magazine only during legislative sessions.

SUBJECT	BILLS	DESCRIPTION	STATUS
ABORTION	AB 2063 (Chappie)	Would deny Medi-Cal recipients abortions except to save a woman's life or in cases of rape or incest.	<i>Assembly Health Committee.</i>
BUSINESS TAXES	SB 443 (Smith)	Phases out business inventory tax over five-year period.	<i>Passed Senate. In Assembly Revenue and Taxation Committee.</i>
	SB 1266 (Briggs)	Unitary tax revision bill for multi-state corporations; excludes income derived from outside the United States in determining the amount of business income subject to taxation.	<i>In Senate Revenue and Taxation Committee.</i>
BUSING	SCA 48 (Robbins)	Proposed constitutional amendment to prohibit schools from imposing more stringent standards for the busing of pupils than are applied by the federal government.	<i>Passed Senate. In Assembly Judiciary Committee.</i>
DRINKING AGE	ACA 55 (Papan)	Proposed constitutional amendment to lower the drinking age from 21 to 19.	<i>Passed Assembly. In Senate Governmental Organization Committee.</i>
ELECTED OFFICIALS SALARIES	SCA 45 (Mills)	Proposed constitutional amendment to create a California Elected Officials Compensation Commission to set salaries and benefits for executive, legislative and judicial officials.	<i>Passed Senate. In Assembly Rules Committee.</i>
EMPLOYMENT	AB 1295 (Bates)	Prohibits an employer from firing an employee for refusing to work overtime.	<i>Passed Assembly. In Senate Industrial Relations Committee.</i>
GRAND JURIES	AB 1624 (Knox)	Prohibits indictment by grand jury and requires grand jury composition to reflect the composition of local communities.	<i>Passed Assembly. In Senate Judiciary Committee.</i>
HOMOSEXUALS	SB 1253 (Briggs)	Prohibits homosexuals from teaching in public schools and provides procedure for their dismissal.	<i>In Senate Education Committee.</i>
HOUSING	AB 291 (Chacon)	Authorizes the issuance of \$250 million in state bonds to finance low and moderate income housing construction if approved by voters.	<i>Passed Assembly. In Senate Governmental Organization Committee.</i>
INCOME TAX	SB 111 (Dennis Carpenter)	Requires state to annually recompute personal income tax brackets, credits and rates according to inflation factor so as to make individual income tax liabilities more equitable.	<i>Passed Senate. In Assembly Revenue and Taxation Committee.</i>
JUDGES	SCA 23 (Holmdahl)	Proposed constitutional amendment requiring Senate to confirm governor's appointments to State Supreme Court, Courts of Appeal, and superior courts.	<i>Passed Senate. In Assembly Judiciary Committee.</i>
NEWS REPORTERS	ACA 4 (Lewis)	Proposed constitutional amendment prohibiting a news reporter from being held in contempt of court for refusing to disclose the source of any news story.	<i>Passed Assembly. In Senate Judiciary Committee.</i>
NURSING HOMES	AB 1644 (Agnos)	Increases penalties for violations of state regulations governing conditions in nursing homes and gives state additional power for investigating and correcting patient abuses.	<i>Passed Assembly. Failed passage in Senate Health and Welfare Committee. Reconsideration granted.</i>
PERIPHERAL CANAL	SB 346 (Ayala)	Authorizes construction of the Peripheral Canal, the Mid-Valley Canal and other water reservoirs.	<i>Senate refused to concur in Assembly amendments. In conference committee.</i>
PROPERTY TAX RELIEF	SB 154 (Petris)	Major property tax relief bill. Provides tax rebates to homeowners and renters.	<i>Senate rejected two conference committee reports. In third conference committee.</i>
PUBLIC EMPLOYEES	SB 164 (Roberti)	Requires labor disputes between local governments and firefighters or peace officers to be submitted to binding arbitration.	<i>Failed passage in Senate. Reconsideration granted.</i>

California's canal conflict (Peripheral, not Panama)

By HAL RUBIN

The bell will ring this month for still another round in the continuing fight over the Peripheral Canal, the key element in Governor Brown's ambitious water package. Barely defeated last year, the canal proponents are organized and confident that in 1978 — after years of controversy — their project finally will be approved.

For Brown, the election-year passage of his massive water plan would be a big plus. But the Peripheral Canal may prove as politically hot for the Governor as the Panama Canal has become for President Carter. For opponents are equally determined that the Peripheral Canal and other projects in the Governor's package will not be built.

The heavy artillery has been wheeled into position because the Sacramento River Delta is the state's most important watershed. About one-quarter of the land area and two-thirds of the population of the state are served by 76 water agencies that get their water from the Delta. In its natural state, the Sacramento-San Joaquin river system used to release about 29 million acre feet a year through the Delta into San Francisco Bay. Dams and canals built since the 1930s to retain or reroute the fresh water flows have more than halved the average outflow, so that the Delta now gets 18 million acre feet per year. The Peripheral Canal would reduce that to about 10 million acre feet.

If all the planned facilities are operative by the year 2000, the Peripheral Canal would release about 1.6 million acre feet annually into the Delta via 12 outlets — but about 7.7 million acre feet would be exported. The canal — a 42-mile-long ditch, about 30 feet deep and 400 feet wide — is designed to intercept Sacramento River water at Hood before it reaches the Delta, skirt the eastern fringe of the Delta and carry the water to Tracy. There it would hook up with two existing facilities: the Delta-Mendota Canal (part of the federal Central Valley project, CVP) and the California Aqueduct (part of the State Water Project, SWP). Through these channels the water would reach the San Joaquin Valley and Southern California.

Improving the brew

There is, of course, nothing new about northern water going south in California. As the export system now works, however, an unappetizing brew is being pumped out of the lower end of the Delta. Mainly second-hand water from the San Joaquin River, it is heavily laced with agricultural drainage wastes, salts left behind by intrusions of sea water, and traces of industrial and domestic wastes.

By contrast, the Peripheral Canal would transport Sacramento River water that is still relatively fresh and clean,

Hal Rubin is a professor of journalism at Sacramento State University and a frequent contributor to the Journal.

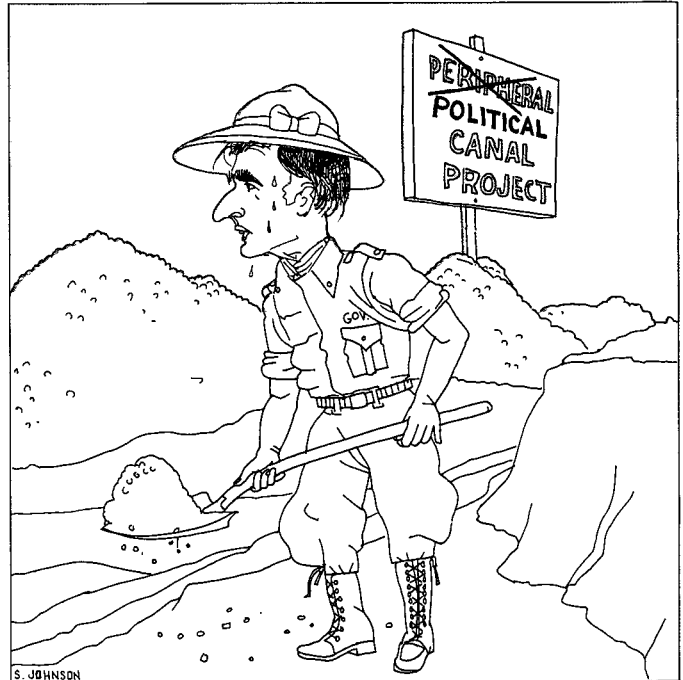


Illustration by Steve Johnson

which can be used to dilute the concentration of contaminants from the San Joaquin to a more acceptable level. The Department of Water Resources believes the Delta is the last place where surplus waters can be conveniently diverted for other uses before they flow into the ocean. And they say the canal appears to be the most feasible method of all the alternatives investigated.

The water package was contained last year in SB 346, a bill authored by Senator Ruben Ayala of San Bernardino. Total cost of the proposed system (including a mid-valley canal across the San Joaquin Valley and three Northern California reservoirs) would be \$3.4 billion in 1977 dollars. When the costs are spread over the full construction period and allowance is made for a six percent annual inflation rate, the figure is \$7 billion. Costs would be shared equally by the CVP and SWP, with funds from water revenues, revenue bonds and tidelands windfalls.

Ayala's bill did surprisingly well, considering its controversial nature and the strength of the opposition. But a delicately balanced compromise broke apart when San Joaquin farmers decided the package included too much for Delta interests and some environmentalists insisted it didn't include enough.

Indeed, a thistle has fewer prickly points than the SB 346 controversy. Senator Peter Behr of Marin County commented at one point: "I know it's a good bill because nobody's getting everything they want." Not everyone agreed

with Behr, however. The California Farm Bureau Federation was strongly behind the original version of SB 346, but its enthusiasm evaporated as the amendments multiplied.

William DuBois, director of natural resources for the Farm Bureau in Sacramento, says he no longer views the much-amended version as a Peripheral Canal bill. He calls it the "Delta Preservation Act."

While the Farm Bureau supports construction of the Peripheral Canal, DuBois charges that under SB 346 too many impossible conditions have to be met before the canal becomes a reality. Among these he cites federal sharing of costs, resolution of disagreements involving the 160-acre law, and prior approval by Delta water agencies that are vehemently opposed to the canal. DuBois is certain that without the canal, the other water storage facilities in SB 346 will never get built.

The Farm Bureau is also dismayed by many of the bill's conservationist-type amendments. For example, some north coast rivers would be placed in the federal wild river system, which means they have to be written off as future dam sites. Farmers in the Central Valley believe that state and federal protections written into the bill in favor of the Delta would reduce the amount of water exported southward to a trickle. Some Southern California legislators agree, and they voted against the final version of the bill last year. Senator Dennis Carpenter of Irvine denies that he and other Republicans opposed the bill on partisan grounds. He believes that the bill would not provide additional water to Southern California and to San Joaquin farms as originally promised. "There are so many conditions that must be met before the canal can be built that we'll never get it," Carpenter says.

But in the central Delta, farmers agree with Assemblyman Daniel Boatright of Concord who warns, "Western water law has a history of broken promises, broken treaties and broken legislation." He does not believe that any of the safeguards written into the bill should be given credence.

Delta farmers know they will get what water there is to get, wet years and dry, as long as the Sacramento River flows undiverted through its regular channel. With the Peripheral Canal they feel they will be at the mercy of those who have their hands on the open-close valves. At stake in the lush Delta is a fruit and vegetable crop worth \$250 million annually. Their opposition to SB 346 reflects their fear that export of too much river water would result in salt water invasion of streams, sloughs and farms.

Some strange alliances

Assemblyman Boatright does not have to remind his constituents that Proposition 1, the bond issue to build the Feather River Project in 1960, was endorsed by only one Northern California county — the one in which the Oroville Dam was situated. Yet the bond issue passed, proving again that political clout is concentrated on the other side of the Tehachapis, where the canal would deliver its cargo. In a dry year, Deltans wonder, whose cup would be filled first?

Controversy over the canal has produced some strange alliances and misalliances. Alvin Duskin, a San Francisco dress manufacturer turned environmental crusader, and Owen Brewer, of Friends of the Earth, warn that unless the California Water Plan is terminated, it will turn the entire Delta and Bay area into a Lake Erie-like cesspool. In 1970, Duskin and Brewer tried to block further construction by fighting a rearguard action against Proposition 7, which was needed to raise the five percent interest ceiling on water bonds that were not attracting buyers. Duskin and Brewer lost.

But other environmental leaders — including the Sierra Club and the Planning and Conservation League (PCL) have

endorsed the Peripheral Canal. Larry Moss, outgoing executive director of the PCL, describes SB 346 as "the most positive water bill that has come along." He cites the bill's good features: the guarantees of water quality, safeguards for the wild rivers against future damming, better use of underground storage basins, use of recycled water and improved irrigation practices. Moss said conservationists can support such measures because they are alternatives to endless dam building — if the Peripheral Canal is operated under the terms indicated.

The non-canal

But environmentalist opponents charge that the Peripheral Canal provides a classic example of how the momentum to build is primed by bureaucratic arrogance. They claim that construction of the Peripheral Canal actually started in 1974, under the guise of providing a roadbed for the final 22-mile link of Interstate 5 — a 1,380 mile highway spanning the United States from Canada to Mexico.

When CalTrans decided it would need about 10 million cubic yards of dirt to raise Interstate 5 six to eight feet above ground as a Delta flood-control measure, it entered into an agreement with the Department of Water Resources to remove the dirt from portions of the proposed canal's right-of-way. The proposed canal site runs parallel to the uncompleted portion of I-5 at distances ranging from one half to one mile.

Coordination of the digging of the Peripheral Canal sites with construction of the Delta's portion of I-5 was approved by the Sacramento and San Joaquin county boards of supervisors. Soon after excavation of the "borrow ponds" began in 1974, some Delta ranchers and environmentalists filed suit, alleging that construction of the holes, which are about 30 feet deep and 275 feet wide, constituted the beginning of a canal that had not yet been approved by the Legislature.

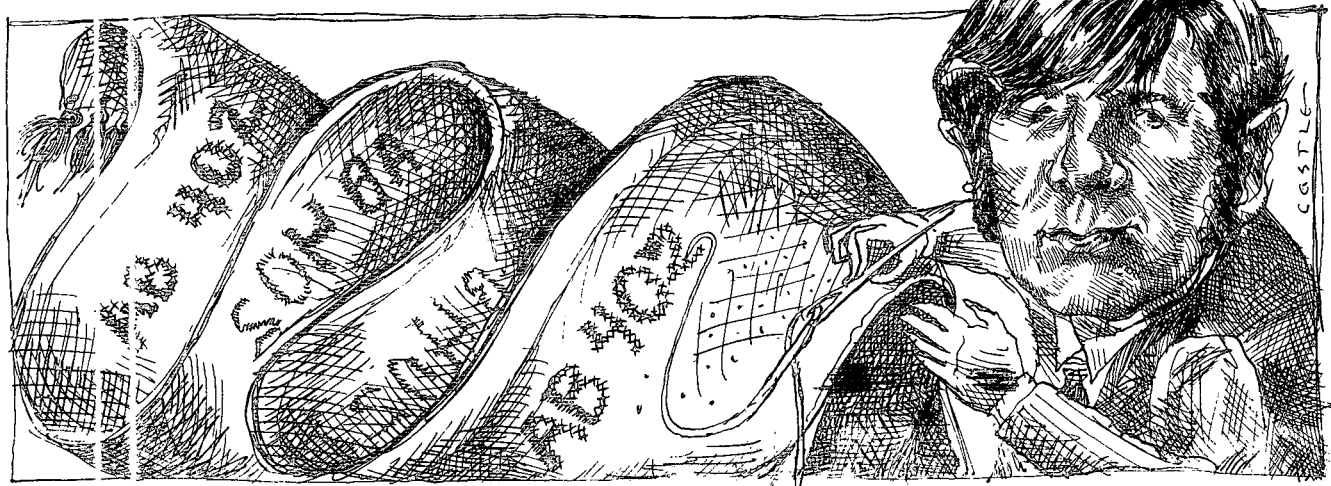
The court ruled that since the ditches were not connected, they could not properly be described as a canal. Eight of the unconnected ditches, from a half-mile to one mile long, have been dug already and contain water because ground water is so close to the surface in the Delta. Several other "borrow ponds" are under construction. In all, 15 ditches will be required to provide the fill dirt for I-5. The Department of Water Resources explains that if construction of the canal is delayed, it plans to stock the "borrow ponds" with fish and provide public access. If the canal is abandoned, the sites may remain as public fishing holes.

Despite Governor Brown's eagerness to start building, he needs to wait for Washington. The Bureau of Reclamation has to accept the state's water quality standards first, and the Governor needs a big pile of federal money — \$3.5 billion. Both will be difficult to arrange. Significant changes are occurring in Congress that signal the winding down of western water projects. And Congress already has a \$34 billion backlog of water projects, all of which are either authorized or started. The Carter Administration is taking a second look at all of them, asking questions about their environmental impact, safety and economic feasibility. The President has said he wants those who benefit from such projects to pay a larger share of the costs and he has ordered a complete review of water conservation and water management practices in the West. As though that weren't enough of a jolt, Carter has initiated an intensive study of the CVP to determine the reasons for what appear to be billion-dollar-level deficits.

So the final round of the Peripheral Canal battle undoubtedly will be fought in Washington, not Sacramento. And given the political realities of life, it seems unlikely that President Carter will be doing Jerry Brown any big favors in the near future.



The new legislative voice in the funding of freeways



By DAN WALTERS

Adriana Gianturco, Governor Brown's tough, sharp-tongued director of transportation, has decorated a wall of her office with a freeway sign: "Go Back. You are Going the Wrong Way."

The Legislature, angered at Gianturco's winding-down of the state's massive highway-building program, is sending the same message to her. Many legislators have pet highway projects going unbuilt in their districts, and they want Gianturco to retreat from her hard-line position. Last year they enacted legislation to give themselves a direct voice in the program.

That legislation, which goes into effect in February, creates a new ball game — but who will win it remains uncertain. The politicians and other advocates of more highway construction could have the muscle to force her to do their bidding. But her power, and that of Governor Brown, to shape the direction of the state's transportation program remain strong.

While the legislation (AB 402) creates a direct role for the Legislature in the annual billion-dollar highway budget process, it still leaves final decisions on which projects get the money to the administration and a new California Transportation Commission. And it doesn't directly address Gianturco's ability to refuse to spend appropriated funds for administrative reasons.

Critics have charged that Gianturco is refusing to spend — impounding, in effect — money for projects which she doesn't want to build. They say that is why the state's highway fund reserves have continued to climb — reserves that they want to spend on projects.

Dan Walters is a Capitol reporter for the Sacramento Union and a frequent contributor to the Journal.

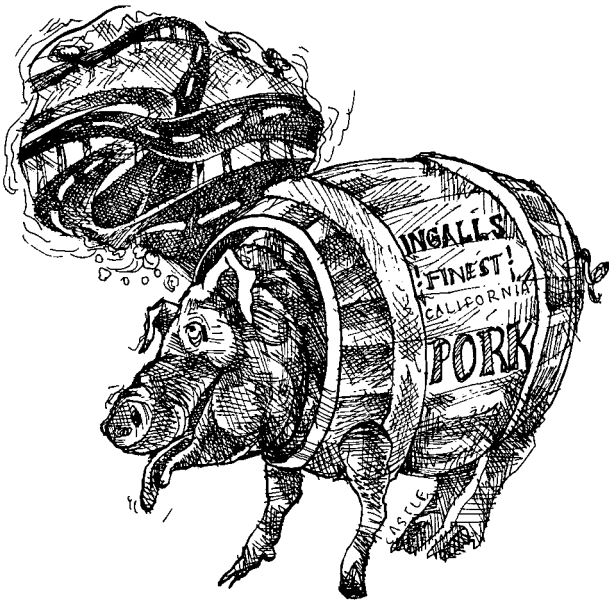
"It's a phony issue," Gianturco says with characteristic bluntness. The projects cited by her critics, she says, have been delayed "because of external circumstances that we have no control over." She cited one example of a project held up because it involved a frog pond. "We had to reach an agreement with the Department of Fish and Game," she says "It has slowed down the process."

A one-woman show?

But the critics — such as Assemblyman Walter Ingalls, author of the legislation — remain unconvinced. "The Brown Administration does not want to build any more transportation facilities in California," Ingalls declares with equal bluntness. "She wants to run the department as a one-woman show because she thinks she knows what the Governor wants. Both he and she are captives of an anti-freeway mentality that is just as anachronistic as the old highway mentality."

Gianturco, (whose derisive nickname among her critics is "Giant Turkey") and Ingalls have been trading similarly phrased salvos for nearly two years, which is about as long as she's been director of transportation. Brown came into office three years ago on a platform that was vague in many respects, and no less so on transportation policy. He had criticized the state's highway program in non-specific ways during the campaign and his first director of transportation, Sidney McCausland, signaled a change of sorts.

McCausland, a one-time legislative consultant on transportation, lasted less than a year and spent most of that time designing and carrying out a huge staff reduction program in the Department of Transportation. When it was over, about 3,000 employees had retired or resigned, been transferred or laid off. It was generally agreed that the staff had



become bloated because the huge, federally financed construction programs of the late 1960s and early 1970s had ended. Most of the state's interstate freeways had been completed but the staff hadn't been reduced accordingly.

McCausland had a personality clash with his boss, Business and Transportation Secretary Donald Burns, and left in early 1976. He was succeeded by Gianturco. Although she received her education in California and met Brown at the University of California, Gianturco had spent most of her professional life in the East. She had worked for a while as a Burns assistant and had returned to Boston to study at Harvard University when she was tapped by Brown to become McCausland's successor.

Instant controversy

Gianturco walked into an instant controversy — the now-abandoned Diamond Lanes experiment to set aside special lanes for carpools and buses on a busy Los Angeles freeway. Within a few weeks, Gianturco had become the Brown Administration's best known official, outside of the Governor himself. She became the defender of the Diamond Lanes and uttered thousands of words on their behalf before a federal judge called the project to a halt. The administration, seeing it as nothing but a political liability, gratefully abandoned the experiment.

Gianturco also became involved in a running battle of words with the State Highway Commission, dominated by holdovers from the Ronald Reagan era. The battle spilled over into the Legislature. More fuel was added with publication of the administration's State Transportation Plan, which seemed to many observers to be a blueprint for forcing Californians out of their cars. The transportation plan, like the Diamond Lanes, was quickly disavowed when the political heat became too intense.

But Gianturco, by word and deed, rapidly changed the ground rules for highway construction in California. She virtually eliminated the semi-autonomy of the 11 CalTrans district offices. She centralized the critical highway routing, scheduling and environmental clearance decisions in her office. She also enforced ruthlessly the administration's no-new-taxes dictum and argued endlessly that, without such taxes, the state simply couldn't afford the projects that equally endless delegations of legislators and local boosters demanded.

When the lame-duck highway commission cast out her

austere six-year highway program and substituted one of its own, calling for more construction, she denounced it and ignored it. That clash with the highway commission brought the issue to the Legislature in a series of heated hearings in late 1976. Poverty, as a reason not to build highways, had been discredited with revelations that the state highway fund was bulging with money because of the staff layoffs, a 1975 moratorium on construction and higher-than-expected revenues. Lack of money was termed "an old excuse" in a memorandum written by one of Gianturco's closest aides — a memo whose publication embarrassed the administration.

What Gianturco had done was to reverse the priorities of the highway program without changing the dollars. No longer would new construction have the highest priority. While capital outlay would remain the largest single component of the billion-dollar annual program, emphasis was shifted from new routes to rehabilitation and maintenance work. Additional funds were committed to such environmental matters as sound barrier walls along freeways, landscaping and bicycle paths.

She was saying "no" — sometimes directly and sometimes indirectly — to dozens of projects which had substantial support. In some cases she had to renege on commitments made in earlier years by state highway officials. That made local interests and legislators furious. Their anger — coupled with the obvious personality clashes between her and such legislators as Ingalls and Senator Alfred Alquist — created the climate for legislative action.

Trimming her sails

At one point Governor Brown stepped in to cool off the verbal duels. He personally ordered the go-ahead on several projects favored by Alquist, Ingalls and other key legislative leaders. While they accepted the gestures, the legislators were not to be swayed from their stated intent to trim Gianturco's sails. Ingalls and Alquist both introduced bills calling for legislative budgeting of highway funds. While Gianturco could overwhelm a highway commission composed of part-time laypersons, they reasoned, she couldn't be as intransigent with the Legislature.

Ingalls' AB 402 was, by far, the most comprehensive of the legislative efforts. As originally written, it created a new California Transportation Commission from the highway commission and three other public panels. It also provided for legislative review of highway budgets and required substantial hikes in truck weight fees and driver's license fees, to provide more money for the program.

The bill underwent many changes. The fee increases were dropped and a number of provisions dealing with regional handling of transportation spending were altered. Gianturco denounced the bill at every opportunity. She insisted that the Legislature would not be able to resist pork-barreling of individual projects despite language in the legislation to the contrary. The administration refused to go along with the driver's license fee boost although it more or less approved the truck weight fee boost.

The bill sailed through the Legislature nonetheless and landed on Brown's desk. Gianturco lobbied against it but Brown signed it — probably because he didn't want to anger the Legislature even more and jeopardize other administration-backed legislation.

As enacted, AB 402 has these major effects:

- **The nine-member transportation commission** assumes powers now exercised by the highway commission, the Board of Aeronautics, the State Transportation Board and the Toll Bridge Authority.
- **The new commission** can have an independent staff of as many as 12 persons, far larger than the highway com-

mission. This is considered to be a key point because it will give the commission the ability to analyze and perhaps sharply change the administration's proposals.

- **Five-year regional and state transportation improvement programs** will succeed the present informal six-year planning programs and the defunct State Transportation Plan.

- **Annual budgets** will be submitted by the administration to the Legislature, and the transportation commission will propose to the Legislature its changes in the budgets. The Legislature will approve the budgets, after any changes it wants to make, in broad program categories.

- **The governor** will have final authority to blue-pencil items in the budget and the transportation commission will allocate the money to individual projects.

Out in the open

Ingalls, a Riverside Democrat who chairs the Assembly Transportation Committee, leaves no doubt that he sees the legislation as a vehicle to force Gianturco to pay more attention to the highway projects now going begging for funds. "This will bring the whole process out in the open," Ingalls says. "It will bring all the players to make all these decisions in a public forum."

While Ingalls acknowledges that the Legislature can't directly compel the administration to spend highway money it doesn't want to spend, he says the Legislature may be able to jawbone on the issue. "You can create a climate in which it becomes an issue," Ingalls says. The administration's highway policies could become a political liability for Brown during this year's campaign, he adds. Any blatant impoundment also could imperil other legislation sought by Brown and, "if it's deliberate impoundment, then you can go to court," Ingalls says.

Gianturco, while not abandoning her criticism of the legislation, says she will attempt to make it work. "I had some very severe objections to it," she says. "However, now that it's passed, I will try as hard as I can to make it work."

Gianturco says she has no quarrel with involving the Legislature but adds that she wants the forthcoming debate

over transportation priorities to include such issues as air quality, energy and land use. "If the debate deals with those issues we will get better decisions eventually," she says. "But it is much easier to attack me than to deal with the problems I'm trying to raise. The downside is that the debate will degenerate to that and it will become a big porkbarrel."

One of the major issues with which the administration and the Legislature must wrestle is the level of the overall program. It currently runs about a billion dollars a year. Gianturco calls that "a level program," but it actually is a declining program since inflation makes those dollars buy less each year.

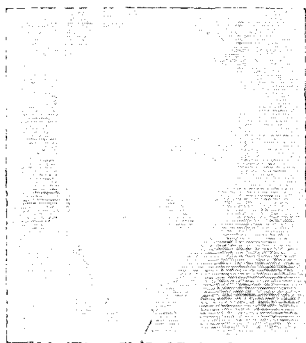
Ingalls agrees that maintenance and rehabilitation must continue to have top priority. But he believes that more money could be spent on new construction than is being spent now. He cites a legislative analyst's report to that effect — and adds that if highways need more money it should be provided. Ingalls says he will try again to win approval of truck weight and driver's license fee increases.

Gianturco reiterates the administration's opposition to new gasoline taxes and insists that her program is the best that can be devised within the revenue limits.

The quality of the forthcoming debate will be greatly influenced by whom Brown appoints to the new transportation commission. Conceivably, he could appoint a commission that agrees with Gianturco entirely and eliminate that source of irritation for her. But that would create more problems with the Legislature. At least half of the new commissioners probably will come from Southern California, already chafing because the highway commission now consists only of northerners.

Few direct hints on the composition of the commission are forthcoming, but it generally is believed Brown will appoint a mixture of present commissioners, members of other boards and new people. It is considered unlikely that Gianturco will have what one commissioner calls "a patsy commission." What is certain is that the debate over highways in California has scarcely begun. Only a new forum has been created. 

News-makers



And Denny makes three

State Senator **Dennis E. Carpenter** of Orange County, Republican caucus chairman, indicated that he will not seek reelection this year so that he can devote more time to his family and businesses. Carpenter's announcement means that all three GOP senators up for reelection in 1978 will be retiring. The others are **Peter Behr** of Marin County and **John Stull** of San Diego County, who had announced their in-

tentions earlier. Carpenter succeeded Republican **John G. Schmitz** in the Senate eight years ago, and there is speculation that Schmitz will run for the seat again. Schmitz is a former congressman and unsuccessful American Independent Party candidate for president in 1972.

Herman Sillas, the colorful former director of the state Department of Motor Vehicles, took office as United States attorney for the eastern district of California after his appointment by President Carter was confirmed by the Senate. Sillas became known for his attempts to humanize the DMV, and he had a "Love Bug" painted on his office door. He was succeeded by his chief deputy, **Doris Alexis**, a Black woman who worked her way up through the ranks of the department . . . The San Francisco Book Company published a book, *The Gospel According to Pontius*

Pilate, by Senate President pro Tempore **James R. Mills**. The book has no direct connection with state politics . . . Orange County Superior Judge **Bruce Sumner** suspended active campaigning for attorney general and returned to the bench, at least temporarily. His problem: lack of funds with which to build name identification.

Governor Brown appointed former Olympic discus champion **Olga Fikotova Connolly** as the first woman on the state Athletic Commission. She won a gold medal for Czechoslovakia in 1956, moved to the United States the next year and then competed for the United States . . . Brown also named two new trustees of the California State University and Colleges, attorney **Blanche C. Bersch** of Beverly Hills and **Michael Peevey** of San Rafael, executive director of the California Council for Environmental and Economic Balance.

THE GREAT FARM FLIP-FLOP

The Carter Administration aroused feelings ranging from anger to exhilaration in the California farm community by proposing stricter enforcement of the 160-acre limitation on the use of subsidized water. Governor Brown, who had previously been strident in his support of the limitation, immediately led his Administration in the opposite direction through the words of his director of agriculture, Richard Rominger. The following three articles analyze the background of the conflict and the machinations of the Carter and Brown Administrations in the complex controversy.

The same old arguments, with a new cast of players

By GEORGE BAKER

The late California Senator Clair Engle spent a lifetime promoting development of the state's natural resources, including a number of water projects. Yet he never could quite figure out how to get rid of the federal 160-acre limitation. That didn't prevent him from trying, but in one exasperated moment Engle summed up his frustration: "You start kicking the 160-acre limitation and it is like inspecting the rear end of a mule — you want to do it from a safe distance because you might get kicked through the side of a barn."

A number of California politicians are inspecting the old mule these days and discovering it has as much kick in it as when Engle spoke 22 years ago. Like the late senator, they too are devising ways to repeal or weaken the limitation, which was a turn-of-the-century effort to foster family farms and curb profiteering in subsidized federal irrigation projects.

Battles that have been fought several times before over enforcement of the controversial, complex law are beginning again. The arena will be Washington, D.C., but the pressure will be coming from farm groups and corporate growers in California and other western states. These forces stand to lose a bundle of money if the Carter Administration succeeds in tightening enforcement of the law. Reading today's accounting of the controversy is like turning to the front pages of the 1940s, when California farmers first sought to scale back the law. The same arguments for and against it are being advanced. The only thing different is that some — but not all — of the players have changed.

The latest conflict has been brewing for several years in the huge Westlands Water District, an area distinguished by its rich soil and gigantic landholdings on the western edge of the San Joaquin Valley near Fresno. District farmers had been nominally complying with the acreage limitation by selling their land in excess of 160 acres. But most of

the land sales were going to tax shelters, Japanese investment companies, syndicate operators and good-old-boy insiders who continued to operate 15,000 to 20,000-acre spreads. These men called themselves "family farmers," a quaint expression that conjures up images far different than the scale of operations in the 600,000-acre district.

After criminal convictions, newspaper exposés and congressional investigations, pressure mounted for reform. Finally a lawsuit was brought by National Land for People, a land reform group that wants to open up farming opportunities. U.S. District Judge Barrington D. Parker declared something "sinister" was going on in the district and ordered the Department of Interior, which is supposed to enforce reclamation law, to draw up a standard set of rules for large land sales.

How land is sold

Enter Interior Secretary Cecil D. Andrus, the former Idaho governor. Acting in accordance with the federal court order and his own vision of the law, Andrus issued last August a set of rules designed not to begin enforcing the law, as many critics and some newspapers have said, but to draw tighter restrictions on how land is sold.

All hell broke loose among the state's increasingly vocal and politically organized farmers. From Brawley to Roseville, the secretary was vilified as something more dangerous than another drought. Andrus has defended his actions, saying repeatedly that the old law and the new rules were intended to develop small, family farms. "However, because the law has not been strictly enforced, 160-acre parcels have been lumped together in sales to absentee owners and sales or leases to farm management syndicates," he told a Senate committee. "The 'family farmers' whom the law was designed to benefit sometimes can be found in the corporate board rooms of Los Angeles or New York, in Caribbean tax havens, or 'farming' out of the 40th floor of an office building or a lawyer or doctor's office."

But opponents see the rules more darkly. They warn that

George Baker is a Washington correspondent for the Sacramento, Modesto and Fresno Bees and a specialist on water issues.

California agriculture — of which 2 million acres are fed by federal projects — would be decimated. "Such changes would trample on basic property rights, reduce agricultural efficiency, upset the economic balance and ultimately result in higher consumer prices," says William P. McFarlane, president of California Westside Farmers, a group of Westlands operators.

The political fallout

So for yet another time in the state's continuing battle for control of land and water, the issues of reclamation law and breaking up corporate agriculture have exploded. The full political ramifications are unknown, but they have already been considerable in Washington. California Senators Alan Cranston and S. I. Hayakawa, sensing the mood of the agribusiness community, joined with a number of California House members to push legislation delaying the new rules for at least a year. Such a delay would present Congress with an opportunity to rewrite the limitation. President Carter got into the act, saying that he thought the law should be updated but that overall the limitation should be enforced.

The campaign to turn back the law is operating on many levels but it is politically well connected in every arena. Robert E. Meyer — an assistant secretary of agriculture who owns land in the Imperial Valley that could be affected by the regulations — resigned in October amid conflict-of-interest charges. The charges came after he lobbied members of Congress and the Carter Administration for an exemption from the law for himself and other farmers. (Meyer is not to be confused with the former state deputy director of parks and recreation, with the same name.)

Influential law firms have been hired, back-door legislation has been proposed and political and legal warchests are bulging. Westlands and several other water districts joined with county governments in the Central Valley to stall the rules by insisting in a federal court suit that environmental and economic impact statements be written. Yet the ultimate battle will come in Congress because the landowners have never been confident of their success in the courts.

In the 1950s a group of San Joaquin Valley landowners challenged the constitutionality of the limitation. But in 1958 the U.S. Supreme Court ruled unanimously that the law was not the confiscation of property without due process. In doing so, the court laid down the classic definition of the law. Its purpose, said the court, "is to benefit people, not land. It is a reasonable classification to limit the amount of project water available to each individual in order that benefits may be distributed in accordance with the greatest good to the greatest number of individuals. The limitation insures that this enormous expenditure will not go in disproportionate share to a few individuals with large landholdings."

The Reclamation Act did this in two ways: by limiting to 160 acres the amount of land one person could own and still receive federal irrigation water, and by requiring irrigation recipients to live on or near their land. A farmer can own as much land as he wants in an irrigation project, but he cannot get water for it unless he agrees to sell the land in excess of 160 acres.

The Andrus plan

To plug loopholes that developed over years of administrative proceedings, Andrus proposed that future purchasers of excess land live within 50 miles of their property and that a lottery be used to sell the land. Additionally, he moved to crack down on the leasing of land, a technique which has permitted farmers to own 160 acres while leasing an unrestricted amount. In so doing, Andrus transformed what has been commonly called the 160-acre limitation into the 640-acre limitation. Every man and wife could own 320 acres and lease another 320 acres, under Andrus' proposals. For a family of four this means they could have a 1,280-acre ranch, a substantial operation even among the factory farms of California.

For decades federal water users in California have grudgingly accepted the limitation because of the tremendous subsidies involved. Indeed that has long been the trade-off. If the political heat to gut the law has become intense, it is for one simple reason: There are hundreds of millions of

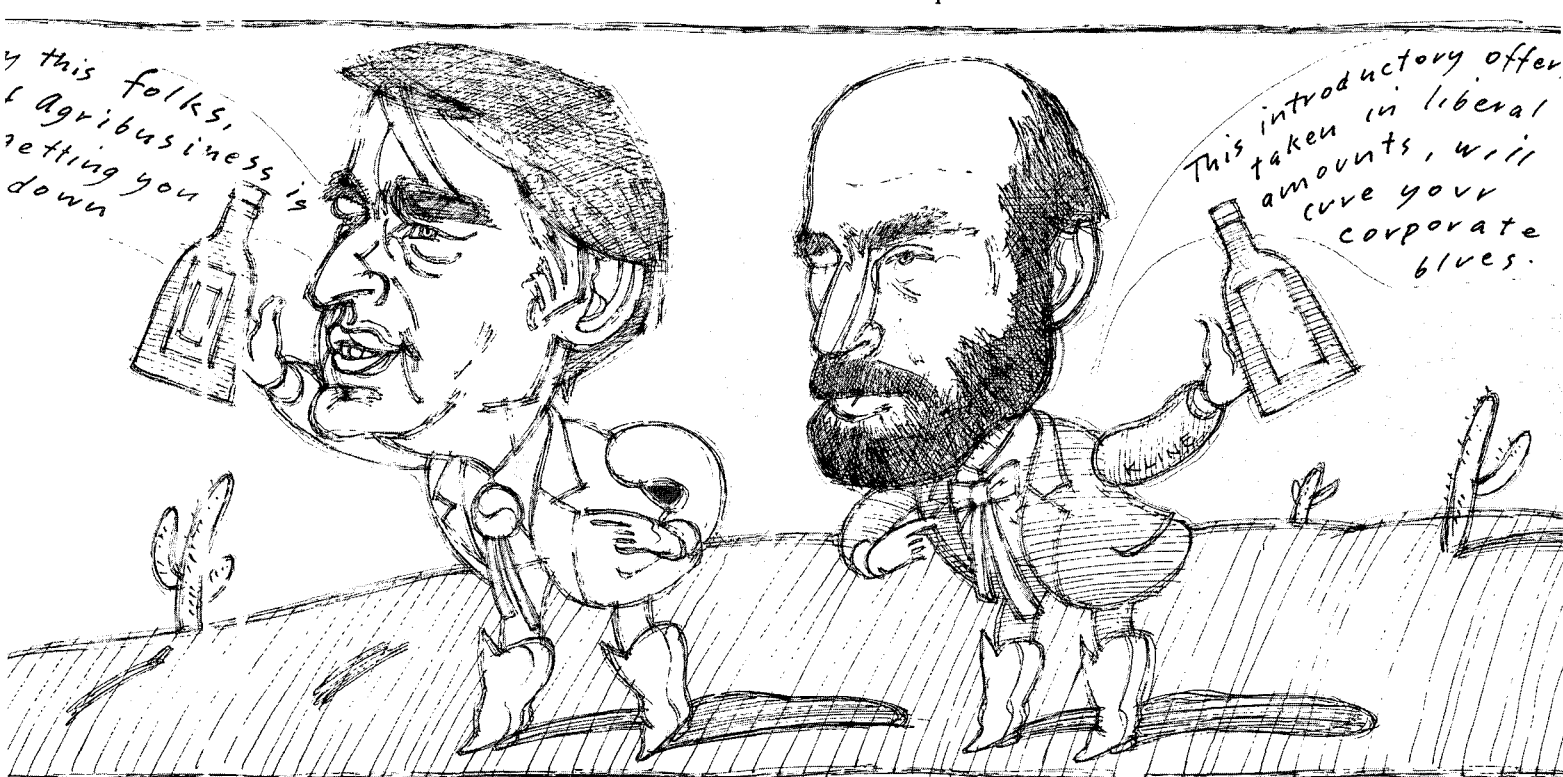


Illustration by Donna Rivers
JANUARY 1978

dollars riding on the outcome of the battle. The Bureau of Reclamation has estimated on a conservative basis that the federal subsidy in the Westlands district alone is worth \$800 million, or \$1,500 an acre over 40 years. For the Southern Pacific Railroad, which owns 100,000 acres in the district, the subsidy would total \$150 million without the law.

The subsidy comes from two classes of people who are hardly aware they are footing the bill: the nation's taxpayers and the power users of California. When farmers pay for irrigation projects they repay only a portion of it over 40 years without interest. In Westlands, for instance, farmers pay \$7.50 an acre-foot, which is barely enough to cover operation and maintenance charges of the gigantic system. Most of the revenues to repay the interest and other costs of irrigation projects are derived from power which is sold by the Reclamation Bureau from hydroelectric plants. But the federal Central Valley Project is in such desperate financial shape that consumers face power-rate boosts of up to 380 percent next year to help pay for the water.

The marriage of water to arid land has also dramatically increased land values in many areas of the state served by irrigation projects. Again in Westlands, land was valued at \$100 to \$150 before the project came along in the late 1950s. Since then, property just outside the district is selling for \$1,500 an acre, while land inside the district is going for a government-controlled price of \$750 an acre. Without any limitation, Southern Pacific alone would be able to realize land appreciation of \$150 million.

Harmer's mission

Given these huge financial stakes, it is not surprising that Meyer felt compelled to seek special legislation for 800 Imperial farmers. He embarked on his mission after the U.S. Ninth Circuit Court of Appeals ruled that the limitation applied to the Imperial area, overturning a 44-year administrative exemption. Among those Meyer visited was Senator Cranston. Taking part in the meeting and a subsequent dinner was Allyn Kreps, a top Cranston aide who formerly worked as an attorney for the Imperial landowners in their suit with the government while he was with the prominent Los Angeles firm of O'Melveny and Meyers. Kreps said he no longer is involved in the case and Cranston says Kreps will not have a policy-making role in reclamation matters.

Meyer was less successful than former California Lieutenant Governor and State Senator John Harmer. Harmer was hired by two little-known but far-flung Central Valley farming giants, the Los Angeles-based J. G. Boswell Company and the Salyer Land Company. Boswell has

23,000 acres in Westlands but its larger concern was the 86,000 acres it owns along the King's River which was tamed in the early 1950s by Pine Flat Dam. As in the Imperial case, the Circuit Court ruled that the limitation applied to water used by landowners in the 1.1 million-acre river basin.

Harmer's mission was to get a legislative exemption for the two corporations. He buttonholed several California legislators but could find no takers, apparently because he wanted to attach the exemption quietly to an innocuous bill. Then he spoke to Senator Malcolm Wallop, a Wyoming Republican, who inserted the Harmer-written amendment into a bill dealing with the U.S. Army Corps of Engineers. When several California lawmakers, including Cranston and Representative John Krebs of Fresno, read about the unusual procedure, they objected. The bill is sitting in committee awaiting action next year.

Working on another level have been the Westlands farmers, most of them Republicans. They retained the Los Angeles law firm headed by Charles Mannatt, whose connections with Democratic party bosses are well known. Other farmers have taken their case to the public with a slick advertising campaign. The Imperial story is being told by Dolphin Associates, the creation of Bill Roberts of Spencer-Roberts fame and the same firm which masterminded the farmers' campaign against the Cesar Chavez-sponsored Proposition 13 last year.

The campaign this time was launched with an advertisement in national publications featuring a forlorn farmer, Larry Gilbert, and his family with the headline, "I can't believe this is happening to us." There followed a plea for help in turning back a government that was ready to swoop in like buzzards plucking away the land. It was sponsored by an organization called Citizens for Government Fairness. Ironically, though, Gilbert would be entitled to more land under the Andrus rules than he now has. Gilbert currently operates 800 acres but he, his wife and three children could have 1,600 acres if the Andrus rules take effect.

Gilbert's image is reminiscent of the growers' use of farmer Harry Kubo in the Proposition 13 campaign. As in that effort, the forces which would be most affected — real estate operators, major corporations, banks and corporate growers — have chosen their smaller compatriots to personify the struggle. Also like the Proposition 13 campaign, farmer groups are raising the banner of property rights, contending that the federal government is planning to confiscate something that belongs to individuals. But in this instance they will find it hard to refute the contention that the water facilities were built and financed by the public.

Did Carter know what Andrus was doing?

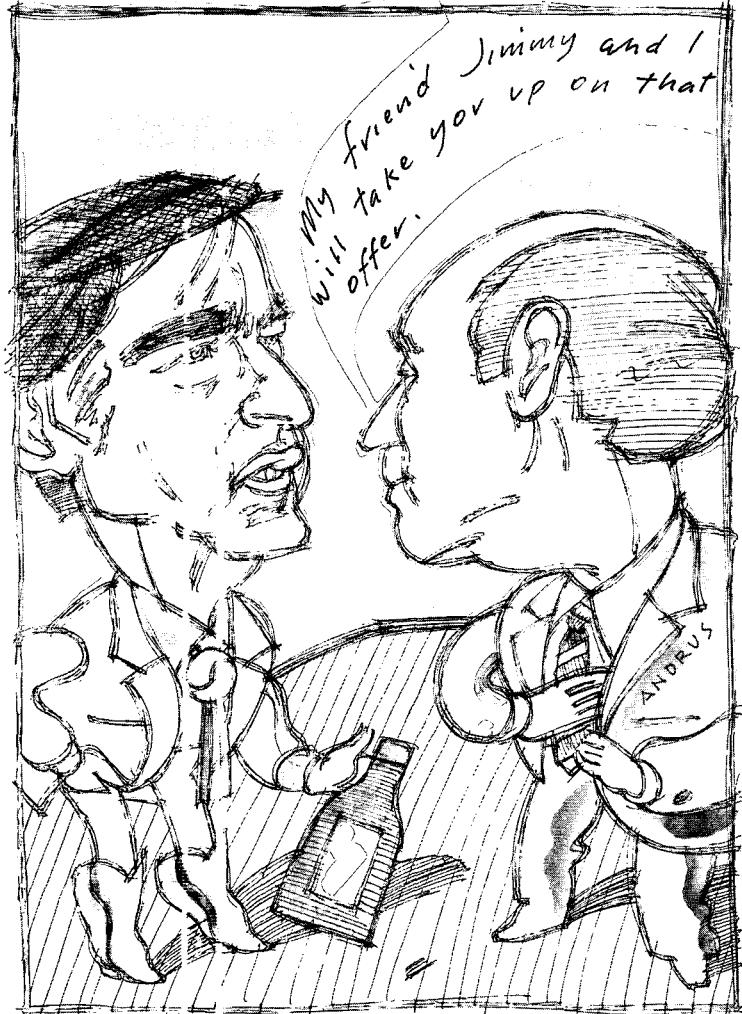
By LOU CANNON

Washington does not do well when it comes to winning the hearts and minds of the farmers, whether in Vietnam or in the Imperial Valley. And putting a farmer in the White House has not changed the essential equation. Ever since the federal government made instant feudal barons of the railroad owners more than a century ago as an inducement to the winning of the West, farmers have been grumbling that the government just doesn't understand the problems of the land. Judging by what's been happening in federal

reclamation policy for the past four months, the government still doesn't.

But the abortive efforts of the Carter Administration's Interior Department to enforce a 75-year acreage limitation on western reclamation lands is worth examining anyway, if only because the attempt offers some striking clues to the contrasting political styles of the Carter and Brown Administrations.

Several lawyers and not a few writers, flacks, promoters



and agitators have made minor careers of the 1902 Reclamation Act and its limitation of 160 acres per farm family member. From the start the limitation was regarded as largely symbolic by the Bureau of Reclamation, which found a variety of excuses for never enforcing the law. Over the years the issue became a testing ground for ideologues who on one side regarded the lack of enforcement as a betrayal of the nobler impulses of Jeffersonian democracy and who on the other viewed any attempt at enforcement, no matter how feeble, as a radical plot. As usual, the realities were more complicated.

One of the obstacles to enforcement from the beginning — a conceptual obstacle, if not a legal one — was that no one could agree on what the economic limit of a western farm should be. In an area plagued regularly by droughts, 160 acres was never truly a viable limit. A variety of studies in California, all of them disputed, variously fixed economic sizes of farms at anywhere from 650 to 1,500 acres. Even the militant National Land for People, which wants the law strictly enforced in California, acknowledges that 160 acres is insufficient in the harsh climates of the intermountain West where the growing season is less than 180 days. But there was one law, one limit, for every farm receiving water under reclamation law. Small wonder that this noble experiment of acreage limitation was circumvented. As time went by, however, the rational economic objections to the law became the skirt to hide the interests of huge landowners who believed they were entitled to as much land, and the water to go with it, as they could farm.

Idealists and realists

On the other side of this issue, there were those who always saw the 1902 law as an ideal struggling to be born. Some of these were the social activists or political radicals which the big landowners denounced with monotonous regu-

larity. But the advocates of strict enforcement also included a number of small farmers who viewed the federal law as a means of acquiring potentially valuable land. What side in this dispute a farmer happened to be on usually depended upon whether he owned or leased land that was eligible for federal water rather than on the farmer's social ideology.

There were and are a number of moderately small farmers on both sides. Those who couldn't get the land with federal water complained that they were blocked by private arrangements which the railroad companies and a few large landowners made with favored farmers, some of whom were their employees. But it is also true that when the big landowners tried to sell their land — as they did in the Westlands Water District in Fresno County in 1968 — much of the land went begging. Only when farm prices took off — aided by world food shortages and, in cotton-producing Westlands, by sales of cotton to China — did the excess land begin to have excess buyers.

It was in this context that the 160-acre controversy moved to the front burner in 1976, sparked by a federal judge's ruling on a suit brought by National Land for People. The judge said the Bureau of Reclamation had to enforce the law. Immediately, attorneys who had always favored strict enforcement — among them J. Anthony Kline, the legal counsel to Governor Jerry Brown, and John Leshey of the National Resources Defense Council — saw an opportunity to devise rules that would stick. They proposed, while Gerald Ford was still in the White House, a cooperative agreement between California and the federal government to enforce the 160-acre limitation.

At first, it was Westlands that they had in mind. But after Jimmy Carter's election, Leshey became assistant solicitor of the Interior under Cecil Andrus, a former liberal governor from Idaho who believed in strict enforcement of the law.

On June 17th, 1977, Governor Brown's Office of Planning and Research made a proposal to the Bureau of Reclamation calling for a comprehensive and strict enforcement of the law. The proposal was similar to the proposed federal regulations which Andrus issued on August 22nd. Like the earlier proposals from the Brown Administration, these regulations went far beyond enforcement of the 160-acre limitation, a point which has eluded some commentators, not to mention President Carter. Among other things they included restrictions on leasing, which is never mentioned in the 1902 law. And they devised a lottery system for disposing of the lands in excess of the 160-acre ownerships.

View from the White House

What Carter knew about all this remains a matter of conjecture. White House aides have told this reporter he was familiar with only the broad outlines of the proposal. One aide said he knew nothing about it at all. It is probable, judging from Carter's own statements on the issue, that he was under the impression that Interior had just done what was necessary to comply with court decisions.

Basically, though, Carter seemed to be sympathetic to farmers who under Interior regulations would have been required to dispose of their land. On September 30th, at a meeting of farm reporters and editors in the White House, he said: "The altercation has been not between Washington and farmers, honest farmers in the West; it has been between farmers in the West and their neighbors . . . their neighbors wanted to hold the land they possessed. This ultimately went to the federal courts. The federal courts have ruled that U.S. law has to be enforced."

Had Andrus listened to the tonalities from the White House, Carter might have become a hero to the farmers of the San Joaquin and Imperial Valleys. Instead, the Interior

Department has retreated from hedgerow to hedgerow, even fighting a court battle over the demand of the Westside Farmers for an environmental impact statement. The department's reluctance to give ground on even minor points has undermined Carter's efforts to represent himself, apparently in genuine fashion, as a friend of the farmers. Even in the era of the un-imperial presidency, Interior would seem to be carrying Carter's notion of cabinet government a bit too far.

It is probably true that the Brown "flip-flop," as Andrus has described it, would never have occurred except for a court decision which came a few days after the new regulations were announced, a decision which was anticipated by neither Brown nor Carter. That decision abruptly applied the 160-acre limitation, together with the prospective regulations, to the Imperial Valley, where farmers had been assured since 1933 that the acreage limitation did not apply. All of a sudden Westlands was no longer isolated, and the Imperial farmers were driving their tractors everywhere and mounting their effective "Fairness for Farmers" campaign. It was the Imperial campaign which Carter was responding to when he made his conciliatory remarks at the

White House on September 30th. And it was the same campaign that prompted Brown's switch a few weeks later.

The difference between Carter and Brown was not in what they perceived but in how they acted on their perceptions. Carter permitted the Interior Department to continue more or less on course, content to make his own friendly feelings known and let it go at that. Brown made Agriculture Secretary Richard Rominger, who opposes the new regulations, his designated spokesman at a congressional hearing on the new law instead of State Architect Sim Van Der Ryn, who was scratched as a witness. Characteristically, Brown then accomplished his political switch by saying he agreed with Rominger.

Whatever else might be said of Brown, he knows how to reap the maximum benefit from a political about-face. Far away in Washington, Carter seems less in command of his own administration and out of touch with the hearts and minds of his fellow farmers.

Lou Cannon, western bureau chief for the Washington Post, wrote the Journal's Washington column for seven years before returning to California this summer.

The Brown retreat the growers aren't buying

By OTTO KREISHER

The sign in the hand of the protesting farmer on the Fresno County Courthouse lawn was blunt enough. "Lease Brown to Siberia," it urged in heavy black letters.

And when the farmer was asked why he was condemning Governor Jerry Brown, his answer was even blunter.

"Brown's a two-faced rat," grumbled Donald Simonich, a small farmer from Tulare County. "From what I hear, he sold those rules to Washington."

Simonich's statement, and dozens of others like it from farmers and agricultural organization leaders recently, make it abundantly clear that Brown has failed in his attempt this year to stay out of the fight over renewed efforts to break up thousands of western farms receiving irrigation water from federal reclamation projects.

From the time the new regulations were proposed last August by U.S. Interior Secretary Cecil Andrus until just recently, Brown and his top aides acted as if they had never heard of the issue. But Central Valley farmers like Simonich know that is not the case. Although they may not know all the details of Brown's complicated history of involvement in the reclamation fight, they believe that he long ago chose sides against them.

Brown and his aides have, in fact, been in the forefront of this fight for nearly two years. They first came out in favor of tougher enforcement of the old law in February 1976 during U.S. Senate hearings in Fresno. Aiming his words directly at the Westlands Water District a few miles west of Fresno, Brown told the hearing — chaired by Senator Gaylord Nelson of Wisconsin — that "we have a unique opportunity. Here we have the biggest water district in the world. We have the law (the Reclamation Act). We have the

people interested and willing to redeem the promises of the past . . . This is the time to try to bring a little closer that concept of small farms as the bedrock of the democratic system."

Chilling the farmers

Those words must have chilled the farmers in the audience, because they echoed words frequently used by George Ballis, the executive director of the Fresno-based National Land for People, which was leading the fight for tougher enforcement of the old act.

When reminded of that testimony now, Brown and his aides point to one passage they apparently feel nullifies everything else they advocated that day and later. After acknowledging that the "promises of the past" of 160 acres of farmland for each member of the farm family may "have been rendered inoperative by the contemporary economic realities," Brown made what he considers the crucial statement: "The acreage (limitation) law may need reevaluation. There is no magic to any particular number. The idea is there," he said.

Brown may believe that disclaimer gets him out of trouble with the farmers who consider the 160-acre limit unrealistic. But it doesn't change the interpretation of what he said.

And Brown did not stop there. When the federal government took no action to enforce the Reclamation Act on Westlands (the landowners there and the Interior Department insisted it was being carried out), Brown's key aides put together a document which, if accepted by Washington, would have allowed the state to enforce the restrictions on Westlands.

This document, called a "proposed cooperative agreement," took the old law and gave it some new teeth. Although it never mentioned 160 acres, the agreement spoke

Otto Kreisher is the Sacramento correspondent for the San Diego Union.

about acreage limits. And it proposed some strong additions: a prohibition on leasing land in excess of the limit, tightening of the old residency requirement of 50 miles — never enforced since a 1926 revision of the law — down to 15 miles, a ban on ownership of land in more than one reclamation district, and imposition of water quality standards in the Sacramento-San Joaquin Delta as a factor in delivery of irrigation water in the Central Valley.

Those proposed rules were drafted by J. Anthony Kline, Brown's legal affairs secretary and one of his closest aides; Bill Press, head of the Office of Planning and Research, and W. T. "Tim" Wallace, then agriculture director. The three men made a number of trips to Washington last year in an effort to sell the cooperative agreement to the administration of then-President Gerald R. Ford. The Ford Administration would have nothing to do with the agreement, however. And that is where their involvement with the whole thing ended, Brown and Kline insist.

Continuing Involvement

There is evidence to the contrary, however. Kline and Brown both were quoted after last year's presidential elections as saying they would work as hard to sell the agreement to the incoming Democratic administration of Jimmy Carter. And early this year, Kline went to Washington to visit the new Interior Department solicitor, Leo Krulitz, who would be responsible for enforcing the Reclamation Act. Kline insists he just dropped in to meet the new top lawyer, but Krulitz said of that meeting, "He (Kline) asked me where we stood on the cooperative agreement."

Although Brown and Kline insist it was never discussed, Andrus and his aides recall that the subject was brought up when the Interior secretary visited Brown in Sacramento last June. What is clear, however, is that when Andrus and Brown met with reporters later, the Governor said one of their discussion topics "relates to Westlands and the fulfillment of the pledge of the Reclamation Act of many decades ago, that family farming and those connected with the land would be the major beneficiaries of the public subsidies that are provided."

When Andrus said under questioning that he thought the 160-acre limitation "should be enforced," Brown said nothing to differentiate his position from Andrus.

Although Brown and Kline say they stopped pushing the Westlands issue around the beginning of the year, the word apparently didn't get to Bill Press' office. In June, a lawyer who had helped draft the cooperative agreement sent to Washington a proposal for regulations to break up the larger farms. While the paper had many of the provisions of the old agreement, it had something new that could have greatly expanded the amount of land covered by the rules. It proposed that well water, which may be enhanced by the presence of project irrigation water on nearby lands, is to be considered delivery of federal water. Therefore the acreage limits would apply on such lands.

Brown, Kline and Press all declare the document was only a "staff draft" and not the official policy of anyone in the administration. But it was typed on official stationery and came back from the Interior Department labeled "Recommendations of the State of California."

When the Interior Department issued its new proposed regulations in response to a federal court order, Press was quoted in a number of publications as expressing joy that the large corporate farms would finally be broken up. Press later took exception to a news magazine's use of the verb "exulted" to describe his statement, but he did not deny the thrust of his statements.

With that background, it is not difficult to imagine the surprise Krulitz felt when, in presiding over the first California hearing on the proposed regulations, he heard Brown's agricultural director, Richard Rominger, denounce the rules. Rominger, a farmer himself, criticized the proposed ban on leasing, the restrictions on family partnerships not involving direct lineal descendants, the residency requirement and the proposal to distribute the excess land by a lottery. The rules are so restrictive, he said, "as to make it unlikely most family farmers could survive in these times of rapidly rising costs and uncertain water supplies."

Krulitz later told reporters how surprised he was to have the Brown Administration attack the proposed rules when



ation by Donna Rivers

they had urged even tougher ones. Krulitz and much of the audience thought Rominger was speaking for Brown. But when questioned by reporters, the agricultural director and the Governor made it clear that only the first few paragraphs of Rominger's statement were Brown's views. Those sentences repeated the belief that the family farmer, not corporations, should receive the benefit of low-cost reclamation water, and that "we do not believe 160 acres is a magic number."

Krulitz expressed surprise, but in Washington reporters heard Andrus express outrage at what he considered a reversal of position by Brown. Andrus attributed the switch to pre-election year politicking.

At first Brown snapped back at Andrus, accusing him of bringing politics into a "serious matter." But, when that only served to give further exposure to his uncomfortable position, Brown made a long-distance telephone call to Krulitz to smooth out the dispute. What was obvious to everyone watching the action was that Brown had top people in his administration on both extremes of the issue and personally was trying to duck the fight.

Pressing the issue

A clear illustration is in an interview in which Brown was pressed on how much of Rominger's statement he agreed with. "I designated Rominger as the spokesman on agriculture," the Governor said.

But, he was asked, what is his personal position? "There

will be time for comment," he replied. "I just feel that I don't want to preempt Rominger's ability to make a clear statement on this issue."

But, people are looking to the Governor for guidance. "I think they are getting very clear guidance," Brown insisted. "I have designated Rominger to take the lead on agriculture."

But, the reporter insisted, what is Brown's position? "I have entrusted this matter to Rominger," he repeated.

That Brown has lost his interest in taking a lead on the fight to break up the big farms is clear. The reason for his change is equally clear to most observers. Most of the farmers, a number of Republicans and a former Brown aide familiar with the reclamation issue all pointed out the same fact: Next year is an election year, and Brown already has a lot of problems with agribusiness because of his support for last year's unsuccessful Farm Labor Initiative, Proposition 14.

Equally important is the fact that the issue has exploded into dimensions Brown apparently never imagined. While he started out trying to conduct what Kline called "a social experiment" on the relatively small number of big landowners in the 600,000-acre Westlands, the proposed rules could hit tens of thousands of farmers on 12 million acres in the 17 Western states — with up to 4.5 million of those acres in California. That is a massive bloc of voters to offend, especially for a man who would expect to use the Western states — where he did well and Carter did poorly in 1976 — for another presidential run in 1980.

California CAPSULES

Little Hoover calls hospitals a state 'disgrace'

In a scathing 30-page report, the state Commission on California State Government and Economy (Little Hoover Commission) described continuing problems at state mental institutions as "a disgrace." Chairman Nathan Shapell said chaotic conditions in hospitals and centers for the developmentally disabled "leave us with a sense of deep frustration bordering on despair." The report says, among other things, that conditions pointed out by the commission two years ago had not been corrected and that the state Health Department had failed to provide necessary technical assistance to 21 state-funded and privately operated regional centers for the retarded. Gray Davis, Governor Brown's chief of staff, said the Administration welcomed constructive suggestions and predicted that prompt action to improve conditions would take place with the coming reorganization of the Health Department.

Incumbent advantage wasn't curtailed by political reform

A study financed by the state Fair Political Practices Commission concluded that the Political Reform Act of 1974 failed to reduce an incumbent's advantage over a challenger or reduce big campaign contributions from organizations. The study was prepared at a cost of \$27,000 by a research group headed by professors Allen Putt and J. Fred Springer of California State College at Sacramento. Other findings: Campaign contributions by individuals have been inhibited; campaign contribution reports have become an issue in a majority of legislative

elections; lobbyist spending on entertainment has decreased; face-to-face contact between legislators and lobbyists has been reduced, increasing the importance of written communications.

Public employee initiative fails to make June ballot

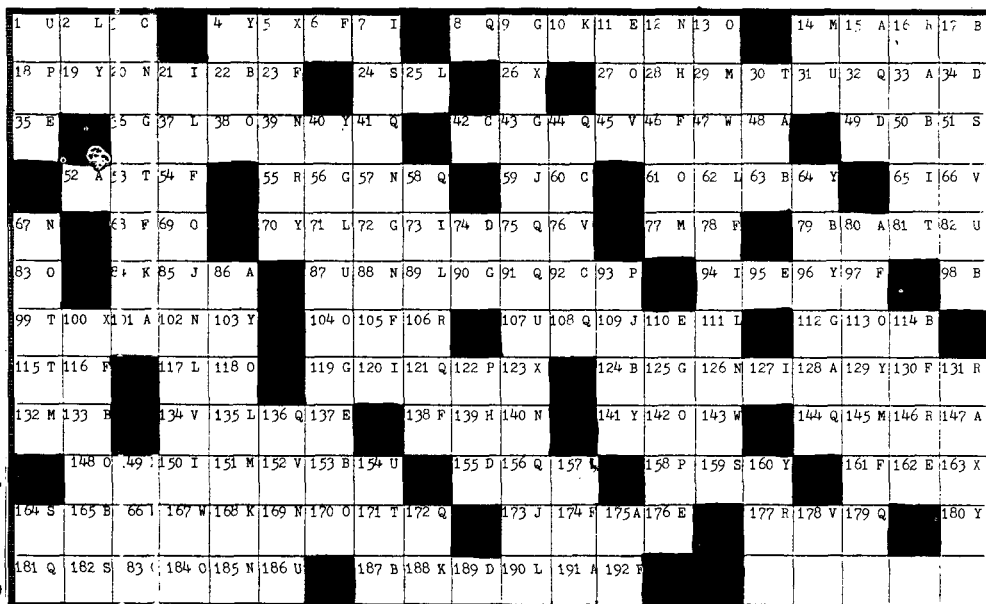
Mayor Pete Wilson of San Diego and other backers of an initiative campaign against public-employee unions conceded at the start of December that they had failed to obtain the necessary 499,846 signatures to place the measure on the ballot. The Committee for Individual Rights, sponsor of the proposal, reported that 480,000 signatures had been submitted and not all of them were valid. The initiative would have banned strikes by public employees, prohibited the union or agency shop and placed other restrictions on bargaining rights of public workers. The failure of the measure was a setback for the gubernatorial aspirations of the San Diego mayor, who had hoped to use the measure as the spearhead of his campaign, especially among conservative Republicans. Dolly Swift, co-chairperson of the campaign, said another drive will be launched to gain the necessary signatures next year.

Secretary of State March Fong Eu reported that Wiley Davis, sponsor of an initiative to limit homeowner property taxation, had also failed to obtain the necessary signatures. However, it appeared that another property-tax plan, sponsored by Howard Jarvis and Paul Gann, will make the ballot. Jarvis and Gann submitted a record 1.2 million signatures for county clerks to check — more than twice as many as necessary.

The Political Double-Cross

by Alisa Belinkoff Katz

by Alisa Belinkoff Katz
© 1978 all rights reserved



Instructions: Although this looks like a crossword puzzle, the words read only across, not up and down. The completed diagram spells out a quote about politics in California. Fill in the answers to the clues and transfer the letters to the corresponding spaces in the diagram. You may also work backwards, guessing at words in the diagram and transferring the letters to the clue spaces. The first letters of the clue answers, taken in order, spell out author and title of the work from which the quote is taken. Most of the clues refer to California political scene.

CLUES

A. Confusing San Diego fight: ___ of ___.

B. Don't make ___; it's no big deal.

C. Jerry Brown's law school.

D. Mexican crime group.

E. Formerly, dress code at Black's Beach.

F. Meditation-oriented group (var.).

G. Baja governor

H. Blood factor: no longer required for marriage licenses.

I. These animals migrated by airlift.

J. What the Governor might say to the Legislature: A plague on ___ your houses!

K. To a Jewish legislator, the truth.

L. Influx of marijuana: ___ of ___.

M. Our environment is protected by ___ (abbrev.).

N. Airplane noise equivalency level.

O. Affirmative action quotas were struck down for these.

P. Highest degree.

Q. Wilson's initiative would have prevented strikes ___.

R. San Francisco nursing home; subject of recent scandal.

S. Law for dogs.

T. "Roots" brought these groups together.

U. Civil Service bar to women: ___ preference points.

V. Bar to women wishing to join the Police or Fire Department.

W. Take advantage of.

X. Briggs' initiative: ___.

Y. To enforce it, one must put ___ in ___.

128 175 33 86
52 15 191 147 101 80 48
98 187 165 114
22 153 124 50
17 63 133 79
60 42 92 3
189 34 155 74 49
162 110 137 95 149 176
11 35
116 68 161 97
130 23 192 6
138 105 78 46 174 54
119 9 72 56
36 112 125 183 90 43
28 139
120 94 7 150 65
127 73 21
59 109 173 85
168 10 188 84
157 37 111 62
89 190 117 2 71 25 135

77 14 132
151 145 166 29
57 20 102 185 12 67
140 126 88 169 39
27 104 13 184
148 118 113
61 83 142 170 38 69
93 122 158 18
156 8
91 121 181 32 144
58 179 41
44 136 75 108 172
55 106 131 177 146 16
51 182 24 164 159
171 81 53 99 115 30
87 186 1 107
31 82 154
66 152 45 76 178 134
167 143 47
163 5 123 26 100
129 40 160 96 141
64 19 103 4 180 70

SOLUTION: A. Race (or) Wilsons; B. A federal case; C. Vale; D. Mattia; E. Optional; F. Nichiren Shoshu; G. De la Madrid; H. Rh; I. Owens elk; J. Both; K. Emel; L. Rash (or) hashish; M. The C.E.A.; N. Single event; O. PWCA contracts; P. Ethic; Q. Of civil servants; R. Post St.; S. Leash; T. Ethnic; U. Vets ten; V. Height; W. Use; X. No Gay; Y. Teeth (in) the law.
for the consequences than the average female.
Judge Raymond R. Roberts, Superior Court of Los Angeles County, in *People v. Hunt*, p. 11: The lone female hitchhiker, ... as a practical matter, advises all who pass by that she is willing to enter the vehicle with anyone who stops and in so doing advises that she has less concern

How the state's new bargaining act should work

By JIM BALD

Senate Bill 839, the new bargaining act for state employees, was literally not supposed to happen. It was introduced, extensively amended, passed and signed into law in a year when experts said it would be impossible to get such a bill. The political pulling and hauling that produced the so-called Dills Act were complex and fascinating to watch. But even more important will be the impact of the bill, as thousands of Civil Service employees below the rank of supervisor get their first taste of collective bargaining.

There is some dispute as to whether SB 839, authored by Senator Ralph Dills of Los Angeles, is actually a bargaining law at all. Marty Morgenstern, Governor Brown's employee relations chief, insists that it is not — at least as defined by the National Labor Relations Act. Morgenstern calls it "an alternative and moderate approach suitable for the public sector."

But a spokesman for the California State Employees Association, Rich Martin, says there's no question the act is a form of collective bargaining, and that while less than full-scale in the traditional sense, "it does give civil service employees a significantly improved system of negotiating pay, benefits and other employment conditions. That's why CSEA sponsored the law."

Whatever it is, the Dills Act symbolizes a phenomenon of the 1970s: the rise in public employee unionism. The new law will mean real change in the way the state deals with its work force of 150,000 Civil Service employees.

Sitting down to talk

In simple terms, here is how the bargaining law will work, once the system is established: Representatives of the governor and negotiators for the certified employee representatives will sit down in a public meeting sometime in the fall of each year and exchange opening proposals for pay, fringe benefits and conditions of employment for the following fiscal year. The media will get copies of both proposals. Seven days later the parties will sit down again in private to discuss the proposals and exchange views. The parties will try, in good faith, to reach agreement. Whenever substantial counterproposals are exchanged, they must be made public and the talks suspended for 48 hours. If and when agreement is reached, a memorandum of understanding will be jointly prepared for presentation to the Legislature. The pay and benefit portions of the agreement will be included as part of the budget the governor submits to the Legislature. Separate bills may be required to get ratification of some portions. If the parties cannot agree, the law provides for

Jim Bald, a former executive with the California State Employees Association, recently joined the legislative staff of Assemblyman Ken Maddy.



RALLYING ROUND THE BARGAINING TABLE

This photograph by Evan Nosoff illustrates the various interests that will be represented when collective bargaining for state employees gets under way. From left, Joyce Harlan, president of the Clerical and Allied Services Employees; William A. Craib, president of the California State Employees Association; a figure symbolizing the taxpayers, and Marty Morgenstern, director of employee relations in the Governor's office. The cutouts on the table represent those whose economic (or, in one case, political) interests will be at stake.

mediation. There is no right to strike and no provision for arbitration.

Much more is involved in the Dills Act than salary and benefit negotiations, however. It also will mean a big shift in power and responsibility from the State Personnel Board (SPB) to the governor's office — or to some agency not yet in existence. It may even require an administrative reorganization act.

Traditionally, the SPB has housed nearly all of the functions reserved to state management of employee relations. The board — or, more accurately, its staff — has surveyed salaries in the private sector and in other public jurisdictions, recommended raises to the governor and Legislature, and then taken the available salary funds and distributed them to employees on the basis of prevailing rates and like pay for like work. The board also has recommended benefit improvements when it saw fit and, through its large professional staff, generally has administered the Civil Service laws and rules adopted over the years. Although each department of state government has a personnel unit of its own, the SPB has been largely responsible for seeing that the various personnel officers abide by the rules. The board has had the power to change certain rules and procedures and has done so from time to time, at the urging of either employee representatives like CSEA, or department administrators.

A slow shift of power

Thus the SPB has played the major role in most state employer-employee relations, at least until passage of the so-called Total Equivalent Compensation law of 1975, which gave some responsibilities to the governor. Under the Dills Act, this will change, albeit slowly. The SPB will retain its constitutional authority over testing and classification, and will continue to provide salary and benefit data to the governor's office. But administration of personnel practices and employee relations will move elsewhere.

Morgenstern, a 43-year-old former New Yorker, seems likely to be the person who negotiates the first master agreement with state workers — if Brown is reelected next fall. Such a shift in power is inevitable under the new law, says Ron Kurtz, the personnel board's executive officer. "The principal immediate change," Kurtz says, "will be to relocate the authority for settling the pay package from the board itself, the five-person board, to the governor's Office of Employee Relations — the bargaining agent."

Nevertheless, Kurtz notes that the governor's authority over the pay package is limited by the budget process and by legislative concerns, because often the Legislature will put some constraints on how pay is settled. That has been true in the past, and Kurtz doesn't expect it to change under the Dills Act.

While public attention may focus on pay and benefits, both Morgenstern and Kurtz seem much more interested in what will happen to "other terms and conditions of employment," as the law defines the scope of discussion at the bargaining table. The Dills Act contains an interesting and unusual clause which lists by number 134 sections of the Government Code dealing with employee rights and benefits. It provides that changes may be made in these areas by memorandum of understanding between the parties "without further legislative action." If, however, any scale in the traditional sense, "it does give Civil Service employment approval would still be needed.

The 134 sections cover all existing laws on conditions of employment. Both labor and management will have the opportunity to bargain changes to their mutual satisfaction. And as they do, the SPB will lose its regulatory authority over these areas, so that, in Kurtz' words, "instead of a

hearing-type process, resulting in rules which have the force of law, we'll have a bargaining process which will result in a contract which will have the force of law . . . The board's authority will be superseded, over time, by the bargaining process."

Morgenstern put it this way: "The big thing isn't salaries. We are still going to have to figure out some rough equivalents to what is paid for some specific skills, and we have been bargaining, in my opinion, with employees over salary levels. Yes, they now have a little more procedural advantage that they didn't have before. But the real thing is all the terms and conditions of employment that they can now bring to the table."

Morgenstern says his biggest concern is getting a good bargaining team for management. The secret of bargaining on management's side, he said, "is having people at the table who know . . . the ramifications of what they're agreeing to."

Another area of concern to both the Brown Administration and employee groups is timing. The administration doesn't want bargaining agent elections being conducted at the same time the Governor is running for reelection. So Morgenstern will oppose efforts to get election start-up procedures under way before July 1st, on the grounds that the law doesn't take effect until then.

CSEA, with a very large stake in the outcome of the elections, had hoped to see the new Public Employee Relations Board begin making rules for implementation of the Dills Act as soon as the board came into existence January 1st. PERB actually will be the three-member Educational Employment Relations Board, with a new name and an expanded mission. If the board doesn't start holding hearings on rules until after July 1st, that would push the petitioning and uniting process, (by which PERB decides which employees will be in which units) into the end of the year. Thus elections to determine certified bargaining agents probably could not be held until the first part of 1979.

When will the first agreement be bargained under the new law? It could be as far away as 1980. Unit elections might be held so late in 1979 that negotiation of an agreement before July 1st would not be possible, and the law says the parties must try to reach agreement "prior to adoption by the state of its final budget for the ensuing year."

In addition to timing, another potential area of dispute between Morgenstern's office and employee groups is the question of the SPB's annual salary survey and recommendations to the governor and Legislature. For years CSEA leaders have fallen back on the SPB's pay recommendation as the bottom line they could live with, although they often ended up with less. The administration is taking the position that, under the Dills Act, whatever salary data the board collects will go to management.

Avoiding a roadblock

Dills Act provisions for legislative review of the bargaining agreements were placed in the bill by CSEA lobbyists who were trying to avoid one of the biggest roadblocks to previous bargaining bill drives: the reluctance of certain key legislators in the Senate to losing their role in salary-setting. Every effort was made to allay those fears, and now Senator Albert S. Rodda, chairman of the Finance Committee, expects the Dills Act negotiations will be concluded in time for his committee to review the salary and benefit package with the rest of the state's budget.

As originally introduced in the Senate, SB 839 could hardly have been called a bargaining bill at all, and in fact it was not. It was sold as a way to give state employees the same kind of improved meet-and-confer rights that the Legislature had given to city and county employees almost

Key provisions of SB 839

Labor Board

The act will be administered by the Public Employee Relations Board (PERB), which is the current three-member Educational Employment Relations Board with a new name. This provision took effect on January 1st, to give the board lead time to gear up for implementing the rest of the act, which takes effect July 1st.

Sunshine Clause

The act requires all initial meet-and-confer proposals and counterproposals, and all subsequent substantive changes, to be presented at public meetings and be matters of public record. It also requires that meeting and conferring shall not take place until seven days after the initial proposal and 48 hours after substantial later proposals.

Negotiations

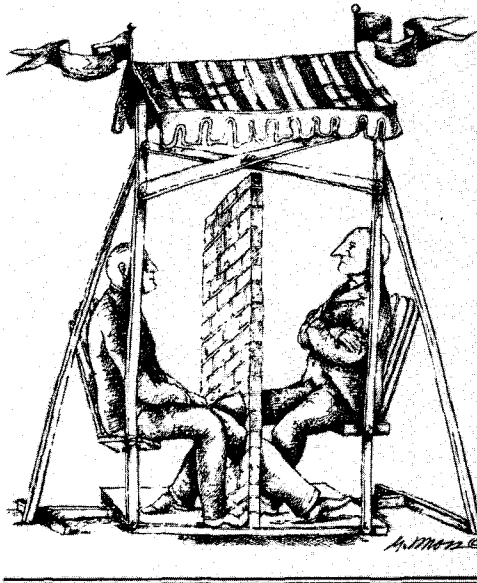
The governor or his representative, and representatives of recognized employee organizations, have the mutual obligation to meet and confer promptly and in good faith upon request of either party. Such meetings "shall continue for a reasonable period of time in order to exchange freely information, opinions and proposals, and to endeavor to reach agreement on matters within the scope of representation."

Exclusion from right-to-strike

State employees are excluded from right to strike provisions of the Labor Code.

Mediation

If the negotiating parties fail to reach agreement, they may jointly appoint a mediator, or either party may ask the PERB to name a mediator.



Legislative Determination

If a joint memorandum of understanding by the parties concerns budgetary or other matters over which the Legislature has control, the memorandum must be approved by the Legislature before it can take effect.

Unfair labor practices

The act makes it unlawful for the state to threaten or impose reprisals on employees for union activity under the act, or to dominate or interfere with any employee organization, or to refuse to participate in good faith mediation, or to refuse to meet and confer in good faith. Employee organizations also are prohibited from taking reprisal against employees who exercise their rights under the act, and employee organizations too must show good faith and participate in mediation.

Organizational security

The act does not permit forced dues or agency shop agreements, but does allow negotiation of a "maintenance of membership" provision under which any employee who is a member of an employee organization chosen as the unit's exclusive representative must remain a member and pay dues for the period of time negotiated in the memorandum of understanding. However, any member may withdraw from the organization during a 30-day period before the memorandum expires.

10 years before under the Meyers-Milias-Brown Act. The original Dills bill had the State Personnel Board still running things. It called for good-faith negotiations on wages, benefits and working conditions, and — most importantly for CSEA — elections to choose an exclusive representative. That was about all — not because CSEA wouldn't have liked more, but because its staff and leadership were convinced that was all they reasonably could hope for.

The bill barely made it past Senate Finance, and John Henning — powerful chief of the State Federation of Labor (AFL-CIO) — worked hard to defeat it on the floor. After it passed, Henning and Governor Brown suddenly found themselves in a curious position: State employees and CSEA were going to get a labor relations bill about which they had had nothing to say. The Assembly leadership reportedly told the Governor that it looked as if the bill had enough votes to pass easily. Brown might have to veto it to stop it, he was told.

Then there ensued a madcap scramble, either to defeat the bill in Assemblyman Wadie Deddeh's Committee on Public Employment and Retirement (Henning's plan) or to amend it so it was acceptable to Brown without changing it so much that the Senate side would feel it had been deceived (CSEA's plan). Deddeh's committee put out the bill 8-0, and later a sub-committee of Ways and Means — run by Orange County Assemblyman Richard Robinson — put on the finishing touches.

In the process, the administration got a tough new section

removing supervisors and managers from the bargaining process, and a sunshine clause partially opening the negotiations to public view (see box). Henning got his neutral labor board and the unfair practices clause (which CSEA liked anyway) and CSEA leaders went to their friends in the Senate and explained what had happened.

Dills also agreed to an amendment — which CSEA spokespersons say they had been willing to put in all along — spelling out unit determination guidelines and protecting the AFL-CIO craft unions. There had been no unit formation instructions in the original bill.

PERB moves in

Now that the bill is law, the new Public Employee Relations Board will take over. In its previous life as the Educational Employee Relations Board, it has gained a reputation for being quarrelsome and slow to act. The chairperson, Reg Alleyne, has resigned. Among the names most prominently mentioned as his replacement is that of Don Wollet, a labor attorney formerly on the faculty of the University of California at Davis. Wollet is now the director of New York state's office of employee relations. Others who either have expressed an interest in the job or who are under consideration are Harry Gluck, general manager of the Los Angeles County Employees Association, and Jim Marshall of Alameda County.

It will be up to the labor board to decide on the number and size of bargaining units into which classifications of em-

employees will be placed. Management and supervisory employees aren't covered, and one of PERB's tasks will be to decide who is a supervisor, manager or confidential employee and who is not. The law provides some definitions, but it will be up to the board to apply them. Hearings will be held and parties with standing before the board will say how many units they think should be established. Morgenstern, representing the administration, probably will recommend a number somewhere between 10 and 20. He has said he is opposed to fragmentation and thinks there ought to be at least as many job categories as were used for years by the SPB (nine) with "certain additions based on history and special conditions, and certain consolidations."

Once the units are established, PERB will hold elections to choose majority representatives in each unit. (Employees will also have the opportunity to vote for no representation at all.)

While there are a number of small organizations with strength in their own areas of concern — the California Correctional Officers Association, California Association of Highway Patrolmen, Professional Engineers in California Government, to name three — only CSEA has strength across the Civil Service spectrum. With 86,000 members, it is to CSEA's advantage to keep the number of units low.

The challenge from labor

CSEA also expects a stiff challenge from organized labor, especially in what undoubtedly will be the largest unit of all, miscellaneous and clerical employees. The Clerical and Allied Service Employees union (CASE) should be considered a major contender for this unit, but it appears to have fallen into disarray lately. No longer affiliated with the American Federation of State, County and Municipal Employees (AFSCME), CASE now has hooked up with the Office and Professional Employees International Union, also an AFL-CIO group.

The Teamsters, the Operating Engineers, the Service Employees International Union (SEIU), and AFSCME all are expected to fight CSEA for the right to collect dues from and to represent employees covered by the act.

They might not be as much attracted to the fray as they would have been if an agency shop provision had been in the law. As it stands now, the most a winning organization can hope to negotiate in this area the first time around will be a "maintenance of membership" agreement. This requires employees who are members of a labor organization certified as the representative of a bargaining unit to continue to pay dues to that organization for the life of the memorandum of understanding. But they may resign during 30 days before the memorandum expires.

This does not provide anywhere near the organizational security most unions like to have. A form of agency shop was in SB 839 at one point, but it was amended out at Brown's insistence. Signing a law with such a boost to labor might have presented the Governor with an unacceptable political liability in an election year.

Henning withdrew his objections to SB 839 after the neutral labor board, unfair labor practice and craft skill provisions were added. CSEA leaders believe Henning really preferred to kill the bill, because he felt the unions under his protection would be ill-equipped to fight CSEA in unit elections.

Whatever the case, CSEA's entry into the collective bargaining arena is a high-stakes proposition. If it fails to win elections to represent most of the persons now paying CSEA dues, it stands to lose thousands of members almost overnight. The organization will be fighting for its life — and the impossible dream of collective bargaining could turn out to be a nightmare.

What the critics are saying about Lou Cannon's new book,

REPORTING: AN INSIDE VIEW

REPORTING: An Inside View

LOU CANNON

of The Washington Post



- A book that ought to be read by ALL newspaper readers.
— Tom Parsons, Pine Bluff (Ark.) Commercial
- Less simplistic and less sanctimonious than the criticisms offered by many less experienced insiders.
— Martin Smith, Sacramento Bee
- A good book about journalism, not a polemic.
— Michael Robinson, Washington Post
- A thoughtful survey of the changes imposed on the reporting of daily printed news.
— John Barkham, syndicated reviewer

In this 320-page book by *Washington Post* reporter Lou Cannon, you can read about what's going on behind the scenes in the news business after Watergate. The *California Journal's* former Washington correspondent tells about the "cozy coverage of Congress," "countinghouse publishers," the CIA-newspaper suppression of the Glomar submarine search story, "presidents and other manipulators," and the frustrations of the men and women digging for news. It is fascinating reading for anyone interested in the coverage of political affairs in America today.

REPORTING: An Inside View can be ordered from the **California Journal Press**, 1617 10th St., Sacramento 95814. The price is \$10.55 hardback and \$5.25 softcover, including tax.

Still in the water ball game

The United States Supreme Court agreed in December to review a lower-court decision that would have prevented state authorities from regulating federal water projects in the state. If the high court had refused to hear the case, the state would not have been able to place conditions on federal projects for purposes of environmental protection.

Federal District Judge Thomas J. MacBride of Sacramento ruled in October of 1975 that the state Water Resources Control Board had illegally placed conditions on the operation of the New Melones Dam on the Stanislaus River. MacBride said the state merely has the power to decide whether surplus water is available but cannot regulate how federal reclamation authorities use the water. That decision was upheld last April by the 9th Circuit Court of Appeals.

Under the Reclamation Act of 1902, the federal government has built numerous dams in the west, and 16 western states joined California in filing the appeal to the Supreme Court. Federal dams harness about one-third of California's surface water supply, and the state has been seeking to regulate the movement of this water to protect, for example, the Sacramento-San Joaquin delta.

Deputy Attorney General Roderick Walston, who will present the case for the state, expects the high court to hear oral arguments in April and hand down a decision two months later. "The decision will definitely be one of the most important in the field of water resources the court has ever made," Walston declared.

Striking damages

By refusing to hear a Pasadena case, the state Supreme Court for the first time has upheld the right of a governmental agency to sue its employees for damages resulting from a strike. The Pasadena Federation of Teachers was attempting to reverse an appellate court ruling that the Pasadena school district can sue the union for \$330,000 in losses from a one-day strike in 1974. The Supreme Court's decision not to hear the appeal was unanimous.

Attorneys for both sides claim their research shows there is no precedent for such a damage suit anywhere in the nation. The case was sent back to the Los Angeles Superior Court for trial. Union President Saul Glickman said the court will have a great deal of difficulty "squeezing blood from a turnip" if the school board wins because the organization "has no assets."

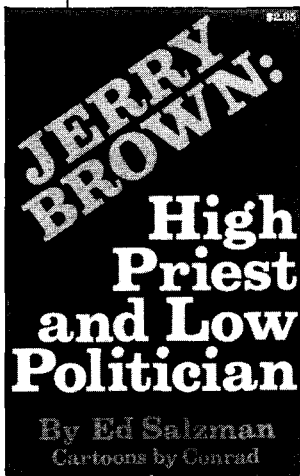
THE BOOK THAT DISTINGUISHES BOTH SHADES OF

BROWN

Are you puzzled by the way Governor Brown has switched gears on the 160-acre limitation . . . or the unitary method of taxation . . . or dam construction . . . or industrial development . . . or any other issue?

Be dazzled no longer. Read the book that explains the two seemingly contradictory sides of California's Governor — **Jerry Brown: High Priest and Low Politician**, by *Journal* editor Ed Salzman. This Whole Brown Catalog, based on articles from the *California Journal*, contains cartoons by Paul Conrad of the *Los Angeles Times*, some of Brown's most quotable quotes, his first two state-of-the-state addresses, a sampling of his pithy veto messages and photos of Brown in action. Anyone with an interest in California politics and government will want a copy of this attractive paperbound book.

Copies are available for \$3.13 each including tax, from *California Journal Press*, 1617 10th St., Sacramento, CA 95814. Postage and handling are free on prepaid orders.



Selected government reports

Emerging Issues in Public Policy: Research Reports and Essays 1973-1976, a compilation of Public Affairs Reports of the Institute of Governmental Studies, University of California, Berkeley, edited by Harriet Nathan and Stanley Scott. 166 pp. Available from the Institute, 109 Moses Hall, U.C. Berkeley 94720. (\$11 plus tax)

Critique, quarterly of the L.A. chapter of the American Society for Public Administration and the Center for Public Policy and Administration, California State University, Long Beach. Articles on improving public service at all levels of government. Individual subscriptions, \$5 per year; institutions, \$10. Available from the Center, Long Beach 90840

The Citizen Activist, new bi-monthly paper of The Institute of Public Science and Art, a group seeking options to the administrative complexity of modern government. Contact the Institute, P.O. Box 161738, Fort Sutter Station, Sacramento 95816. (\$5 per year)

Regulation v. Compensation in Land Use Control: A Recommended Accommodation; essays by John J. Costonis, Curtis J. Berger and Stanley Scott, for the Institute of Governmental Studies, University of California, Berkeley. 1977. 91 pp. Available from the Institute, 109 Moses Hall, U.C. Berkeley 94720. (\$3.50 plus tax)

Reorganization of State Correction Agencies: A Decade of Experience, by the Council of State Governments. 111 pp. Available as RM-605 from the Council, 84 Post Street, San Francisco 94104. (\$4.50)

Eligibility Abuses and Deficiencies in California Public Assistance Programs, prepared by the Auditor General for the Joint Legislative Audit Committee of the California Legislature. Charges fraud in Medi-Cal administration, and recommends corrections. 48 pp. plus addenda. Available as Report No. 286.3 from the Committee, Suite 750, 925 L Street, Sacramento 95814.

A Catalogue of Sources and Uses of Federal and State Drug Abuse Funds in California, prepared by the Auditor General for the Joint Legislative Audit Committee. 58 pp. and attachments. Available as Report No. 291 from the Committee, Suite 750, 925 L Street, Sacramento 95814.

A Study of the California Department of Transportation, prepared by the Commission on California State Government Organization and Economy (Little Hoover Commission). An updated look at CalTrans' bumpy road, with recommendations for smoothing the way. 122 pp. Available from the commission, 11th and L Building, Sacramento 95814.

Tom Quinn's poker game

It is now more than a year since the board chairman of Standard Oil of Ohio told the National Press Club how he planned to obtain quick approval from California and federal officials for a \$500 million tanker terminal in Long Beach to move Alaska oil to the Midwest. The 1976 Christmas season was in full swing and Charles Spahr was optimistic that Jimmy Carter and Jerry Brown would deal generously with Sohio.

The Long Beach facility, with a connecting pipeline to Midland, Texas, was vital for Sohio, which had mortgaged itself to the hilt to develop the North Slope oil fields. Within six months, Alaska oil would begin to flow. Within 12 to 18 months, there would be so much of the stuff that it would create a financially and politically embarrassing oil "glut" on the west coast — unless some way could be found to divert half a million barrels a day elsewhere.

There were only three alternatives. The surplus oil could be sent to Japan. It could be tankered to the Gulf Coast via the Panama Canal. Or it could reach the Midwest through the California connection. The Japanese option was unlikely because sending oil to Tokyo would conflict with Carter's preachments of an energy-short America. And the expensive Panama Canal detour would cut into Sohio's profits.

With Long Beach the most logical solution, Spahr went to work. He recognized that the Brown Administration disliked the idea because tanker-unloading operations might intensify smog problems in the Los Angeles basin. He also realized the state was upset about Sohio's plan to move the oil to Texas through a pipeline that had been used to bring clean-burning natural gas to California. But what the oil industry wants, it usually gets. And Spahr was confident he could overcome these obstacles.

The only serious California antagonist seemed to be Tom Quinn, chairman of the State Air Resources Board. Spahr thought things could be straightened out quickly if Sohio dealt directly with Brown. And if the Governor should prove difficult, Sohio would ask Washington to step in and call the tune.

In retrospect, it is clear Sohio miscalculated at almost every juncture. It underestimated Quinn's tenacity and divide-and-conquer tactics, while placing too much faith in its own ability to use Congress and the Carter Administration to nullify California's opposition. With the Long Beach controversy now headed for a belated denouement, Sohio apparently has not been able to drive a wedge between Carter and Brown. If the oil terminal is to be built, it seems it will have to be on terms that satisfy the Brown Administration.

As the dominant player in this high-stakes poker game, Quinn ran circles not only around Sohio but also around some of Carter's top aides. From the start, he took the position that California owed no favors to the White House or Sohio. After all, the terminal would only befoul California's air and waters. And it could jeopardize access to critically needed natural gas from Texas. If it was to be built, the state would demand a high price — so high, in fact, that it would be a big feather in Brown's presidential-ambition cap.

From the White House, Quinn demanded — and got — assurances on long-term gas supplies for California. From Sohio, he demanded nothing less than a significant reduction in Los Angeles smog levels as the price for a California air quality permit. Sohio would have to spend up to \$100 million on pollution-mitigating measures, such as scrubbers on an electric generating plant, as a trade-off for the new pollution its terminal would create in Long Beach. The federal Environmental Protection Agency had developed the idea of allowing new industries in dirty-air regions if an applicant guaranteed elimination of at least one ton of old pollutants, and perhaps a bit more, for every ton of emissions from a new plant. But Quinn demanded an extra pound of flesh from Sohio so the Brown Administration subsequently could claim that, in this instance, the trade-offs produced a significant clean-air gain.

The objective was to emerge from the Sohio battle with Brown in a position to assert that he alone, among modern American politicians, had managed to bring a major oil company to heel. California could boast of a major new industrial facility, more jobs and a substantial victory on the environmental protection front — an impossible combination in an era of constant jobs-versus-environment fights. And if Sohio had to spend \$80 or \$100 million on anti-smog trade-offs, instead of the \$50 million it was prepared to offer, so be it. The company, Brown insisted, would just have to learn to be a "good corporate citizen."

Still, Quinn's maneuvers were a high-risk operation from the start. There always was some danger that the Long Beach project could fall through and Brown then would be blamed for hurting the state's business climate, just as he was when Dow Chemical Company dropped its plans to build a huge petrochemical plant in Northern California. To forestall any such backlash, Quinn took great pains to have some handy scapegoats in reserve. When negotiations did not go to his liking, he painted Sohio as the irresponsible subsidiary of a foreign oil giant, British Petroleum, which had the gall to lecture Americans about their "national" interest. He also signaled the White House that its relations with California and Brown could get worse if there were a Washington tilt to Sohio.

On Capitol Hill, Long Beach congressmen demanded Quinn's scalp, while legislation began to roll to speed up action on federal permits for the Sohio project. But Quinn stood his ground. Sohio, which once thought it would be able to call the shots, seemed caught in the middle. Externally, it was under pressure from other oil companies not to cave in to Quinn because too generous a package of trade-offs could set a costly precedent for the rest of the industry. Internally, it didn't have too many options. Brown himself began tightening the screws when he asked British Petroleum officials during his London visit to bring Sohio into line. The only remaining question — and perhaps Sohio's last trump card — is how much Brown now may be willing to yield at the last moment to secure what he regards as a potential triumph of major symbolic proportions.

ORDER NOW TO ASSURE YOUR SUPPLY

Coming next month:

California Journal ROSTER and Government Guide

The 1978 edition of the CALIFORNIA JOURNAL ROSTER AND GOVERNMENT GUIDE, our best-selling annual publication, will be available at the end of January. The 12-page booklet will contain the names, addresses and telephone numbers of all Californians in Congress, members of the state Legislature and key figures in the executive branch of government. It will also contain a listing of state agencies and other useful reference material, including a legislative process chart developed especially for the layman.

Now for the best news: The ROSTER will be sold at the same prices as the 1977 edition – 100 or more copies, 25 cents each; 40 - 99 copies, 30 cents each; 2 - 39 copies, 40 cents each; single copy, 75 cents. Add 6 percent sales tax to all but single copy orders. Postage and handling are free on prepaid or credit-card orders only.

One ROSTER will be included in every copy of the February Journal. Every year, there is a heavy demand for this inexpensive guide, and we try our best to order enough copies to fill all orders. But we don't always succeed, and we recommend that you place your orders early to avoid possible disappointment.

Orders for ROSTERS and any other publications advertised in the Journal should be placed with the California Journal Press, 1617 10th St., Sacramento 95814.

Too many of us vote for our prejudices instead of
our desires.

– William Feather